

December 2, 2006

TO: Liberty Lake Planning and Community Development Department
Doug Smith, Director

RE: Comment on the DEIS and Expansion of UGA Boundary

The citizens of Liberty Lake were given the right to determine the density of our community by the Growth Management Act of Washington. The citizens attending the Nov. 8 and Nov. 30 meetings expressed their mandate that growth within the UGA--where there are services to support further development--is to be expected, but the current UGA boundary needs to be maintained in order to preserve the character of the community of Liberty Lake. The voice of the citizens is the bottom line issue. }

In regard to specific issues, the DEIS has not addressed sewer issues. The Priority Sewer Service Area map clearly portrays an undeniable obstacle to UGA expansion, as Spokane County has the 1400 acres southeast of Legacy Ridge designated as outside the 3, 5, and 7-year planned areas for sewer service. It is common knowledge that Spokane County is almost out of sewer capacity. Either Liberty Lake provides sewer service, or it will not happen. Thus the position that if Liberty Lake does not proactively set an urban growth density south of Sprague, Spokane County will inexorably set its own does not have a basis in reality. }

At the Nov. 27 meeting it was stated that written comments would have a response by email or on your website, and I look forward to your thoughts. }

Respectfully submitted,

Elizabeth Pedersen
1419 S. Wright Blvd
Liberty Lake

000000

Response to Elizabeth Pedersen:

- 1) Not a comment on the adequacy of the DEIS, but rather an expression of concern for various issues and a preference for a particular planning outcome.
- 2) The DEIS discusses sewer impacts and mitigation measures on pages 3-22 through 3-24. The DEIS does not attempt to, nor is it required to, put forward every possible impact or mitigation measure, nor does it guarantee that the mitigation measures that are presented will be implemented. Detailed analysis of impacts and implementation of mitigation measures will take place upon application of specific projects so appropriate actions can be taken at that time.
- 3) A summary of "Questions and Answers Generated Through the Public Process" is attached to this addendum, and was posted on the City of Liberty Lake website and was e-mailed out December 6, 2006.

000101

Amanda Tainio

From: Dan Polson [airtime@ccser.com]
Sent: Saturday, November 25, 2006 4:56 PM
To: speterson@libertylakewa.gov; vanormanby5@aol.com; dennispaul@ptera.net; drcrump@ptera.net; lounjo@msn.com; jowens@ccser.com; bsays@libertylakewa.gov; patrick@webband.com; dsmith@libertylakewa.gov; mwren@libertylakewa.gov; atainio@libertylakewa.gov
Subject: Growth within the City of Liberty Lake

Dear Mayor, Council and employees,

I would like to present my viewpoint as a resident of the City and as a long-time resident of the area.

I understand that the current growth that this area is experiencing is a challenge to everyone involved. Your job as I see it under our representative form of government is to represent the citizens who elected you. With that in mind I implore you to view this growth as the vast majority of "us" view it. It is changing the way that we live our lives and there is not one thing about it that raises our standard of living. We are faced with increased commute times, less open space, fewer recreational opportunities, more noise, more crime and higher taxes. Higher taxes are forced upon us in the form of bonds for schools. We are already paying for several active bonds and CVSD desperately needs another to pass just to accommodate the growth we already have had. We will need yet another bond in 2-3 years to further subsidize developers. Your unbelievably small \$1400 impact fee towards schools is a joke. The Sewer & Water district impact fee is several times that much - and that is one of the biggest reasons the public doesn't want you to touch the water district! This shows me that our children's future is much less important to you then where our waste ends up is to the water district commissioners. The impact fees to developers should fund ALL of the needed infrastructure that they demand from the City. Several studies I read have shown that developers should be paying about \$8,000-\$14,000 per living unit to the local school district. The likelihood of voters passing a bond in the future look bleak at best. After people get their latest round of value increases on their property taxes it is even more unlikely that a bond will pass. You need to place a higher priority on this then our water commissioners place on sewer capacity and so far you have failed miserably. While I understand that the developers may just go someplace else within the district to build their homes I still feel we need to take a stand as a community and let other areas handle the problems they face on their own terms.

The City of Liberty Lake is in good shape financially so we do not need the money that comes from development. The cost to each and every citizen is just far too high. Please do not bend over for developers again and instead represent "us" by not changing the GMA boundary. What is needed is a building moratorium until we can decide what development is needed, how much it will cost in support systems and how will that infrastructure be funded. Currently the majority of those costs are fostered back onto the citizens who have put up with it for far too long.

I also feel that you need to take a deep breath on thinking about spending a million dollars between the proposed roundabout and the proposed skate park. Both are wasteful and unneeded. The traffic light is working just fine with very few problems. The skate park would reward a few teenage boys who currently destroy park property (which their parents should be financially responsible for) with thousands of dollars of tax money going to each and every one of them. If 200 Liberty Lake boys use the park (highly unlikely that more then 100 would use it - there will be far more boys who live outside the city who would be using it) they are getting about \$2500 each for the first year in tax money. Wouldn't we be better off in spending that park money for a project that boys AND girls would use? A park that would require far less maintenance, far less insurance and far less patrolling by our police force.

Thank you for your time - I will gladly talk to you regarding this email.

Dan Polson
 22918 E Schneidmiller
 Liberty Lake, WA 99019
 255-6211

000002

11/28/2006

Response to Dan Poison:

Not a comment on the adequacy of the DEIS, but rather an expression of concern for various issues and a preference for a particular planning outcome.

Monday, November 27, 2006

Questions to the Planning Commission for the meeting on November 27, 2006.

1. Please explain why rural conservation lands have been included in proposed UGA when the County Commissioners' passed Resolution Number 6 0714, including attachment A, on August 15th 2006 which specifically indicates that rural conservation lands should not be included in the UGA?
2. Please identify all the Homeowner(s) or Landowner(s) who requested the inclusion of proposed UGA # 4?
3. What is the maximum # of homes which you believe could be built in UGA 2 with an R1 zone designation?
4. What formula do you use to determine the number of single family homes which could be built in UGA 2?
5. Liberty Lake Road becomes Garry and then Molter – What plans are there to expand this roadway?
6. If no plans why not?
7. South Molter to Henry - What plans are there to expand this roadway?
8. If no plans why not?

Bill Quirk
23012 East Dutchmans Lane
Liberty Lake WA 99019
255-9951
Bill@wequirk.org

060104

Response to Bill Quirk:

Not a comment on the adequacy of the DEIS, but rather an expression of concern for various issues and a preference for a particular planning outcome.

A summary of "Questions and Answers Generated Through the Public Process" is attached to this addendum, and was posted on the City of Liberty Lake website and was e-mailed out December 6, 2006.



Questions for members of the public; please provide verbally or in writing.

1. What questions do you have related to the Draft Environmental Impact Statement?

Fish & Wildlife Comment:

I live on the 10 acre parcel just south & east of the "Green" water tank on the 2100 Block of Molter.

Everyday (var. hrs.) we see singular or multiple white tail deer going East (up hill) or West (down hill) on our property. at times there may be as many as seventeen at a time. This is year round!

2. How would you mitigate the 20-year projected population growth? (Current over 6,500 – Projected about 22,000)

*Question #2 = What will happen to this corridor or deer pathway
these deer*

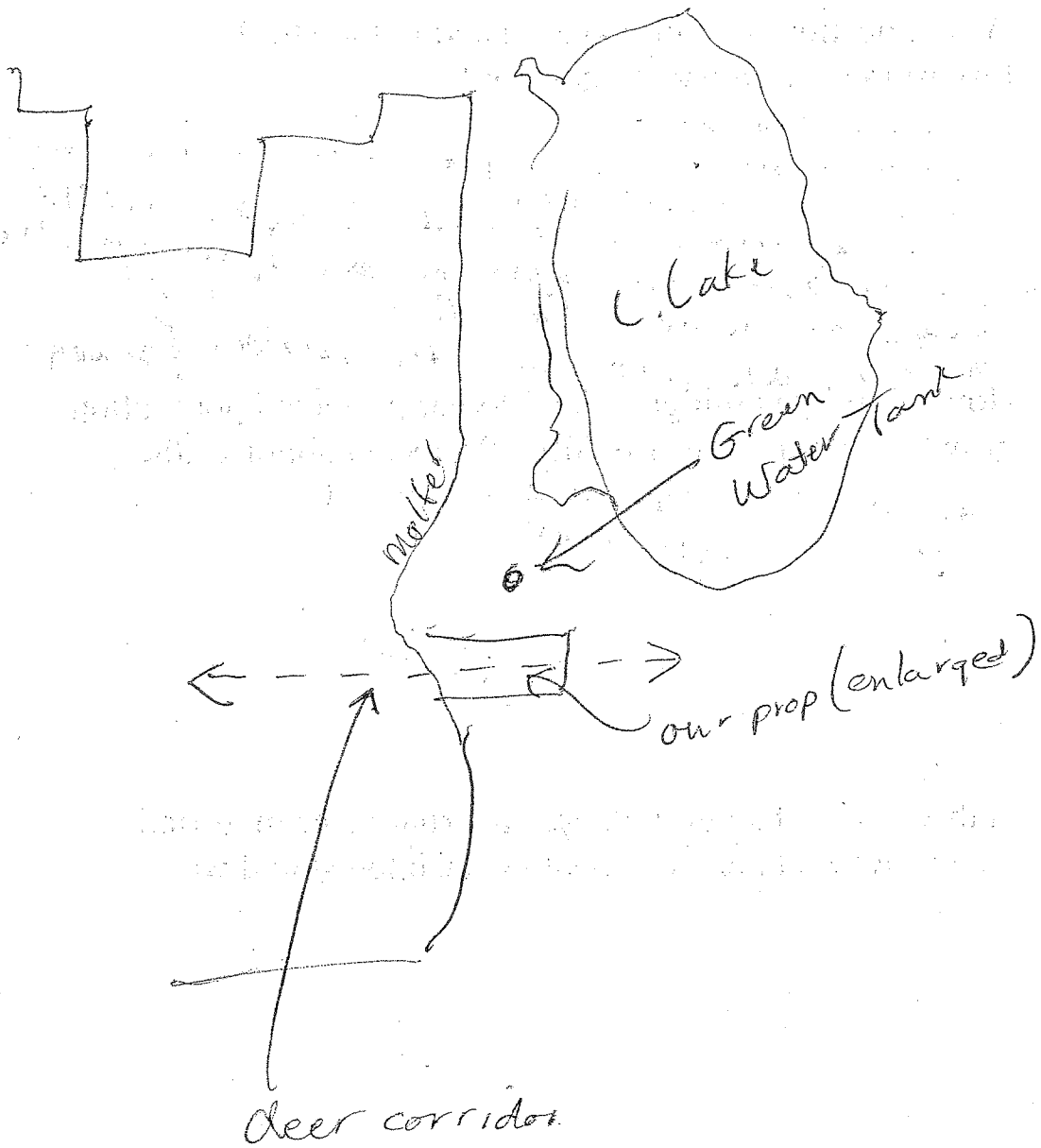
(see back)

3. Is there one urban growth area alternative or modified alternative that best represents your interest and why?

For the record, please provide

Name: *Gary Reser*
Address: *2211 S. Avalon Ridge Lane*
Email: *lgreser@MSN.COM*

360106



Response to Gary Reser:

Not a comment on the adequacy of the DEIS. Impacts and mitigating measures regarding wildlife are examined in Chapter 2 of the DEIS, pages 2-32 through 2-39.

Mary Wren-Wilson

From: Doug Smith [dsmith@libertylakewa.gov]
Sent: Monday, December 04, 2006 10:19 AM
To: TERESA SEELY
Cc: Mary Wren
Subject: RE: Comments on the DEIS

Good morning Teresa,

Thank you for your comments, they will be added to the public record.

Best regards,

Doug Smith

-----Original Message-----

From: TERESA SEELY [mailto:tnaseely@msn.com]
Sent: Monday, December 04, 2006 9:50 AM
To: dsmith@libertylakewa.gov
Subject: Comments on the DEIS

December 4, 2006

To whom it may concern:

Hello, my name is Teresa Seely and I have lived in Liberty Lake for just over six years. I have lived within the City of Liberty Lake's boundaries since its inception. First of all I would like to say how very proud I am to live in this great city. I am proud of all of the hard work on the part of the mayor, city counsel, friends of Pavilion Park, our police force and others. In my personal opinion there is no better place to live. I find evidence of everyone's hard work in things like the free concerts and movies at Pavilion Park, our awesome Independence Day celebrations and the fact that our police force is working hard to keep the streets of Liberty Lake a safe place for everyone.

I am so thankful to be living here. I love walking into local business establishments and having people know who I am. I think we have built up a real sense of family in this community and I wouldn't trade it for anything.

Having said all of that, there is something that is troubling me- it is the proposed changes to the Urban Growth Area boundaries. While I am not quite as familiar with the northern site, the larger site in the southwest corner is of great importance to me. I see deer and other animals in this area on a regular basis. I realize that this is privately owned land and I am not opposed to the owner developing it under the current zoning. What scares me is thinking that this precious land could end up with upwards of 4000 homes on it. I hope you can understand why this is frightening to me. I love this town and I only want the best for it, but I think changing the zoning of this property would be a grave mistake. In viewing your DEIS and UGA materials online, I feel strongly that option number one would be the best choice for the residents and the future of Liberty Lake.

Thank you so much for considering my comments.

Sincerely,
Teresa Seely

Response to Teresa Seely:

Not a comment on the adequacy of the DEIS, but rather an expression of concern for various issues and a preference for a particular planning outcome.

000110

Amanda Tainio

From: jlne@icehouse.net
Sent: Wednesday, November 29, 2006 5:03 PM
To: dsmith@libertylakewa.gov; atainio@libertylakewa.gov; mwren@libertylakewa.gov
Subject: Urban Growth Area Boundary

Greetings to the City of Liberty Lake Planning Commission, City Council and Staff...

Thank you for holding the Planning Commission Meeting on Monday, November 27. I appreciated this opportunity for everyone to provide testimony and opinions on the Urban Growth Area Boundary.

I am sending this email as my written testimony to request the Planning Commission and City Council---to NOT expand the Urban Growth Area Boundary. Please include my statement as official record, dated this day 11/29/06.

Thank you also for your Public Service. ---Kind regards, Jo Lynne Seufer

1209 Fairway
Liberty Lake, WA 99019
509 921 6548
jlne@icehouse.net

000111

Response to Jo Lynne Seufer:

Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

000112

Amanda Tainio

From: Cindy Smith [csmith@libertylakewa.gov]
Sent: Friday, December 08, 2006 8:39 AM
To: 'Doug Smith'; 'Amanda Tainio'
Subject: FW: Website Contact Form

From: City of Liberty Lake [mailto:libertylake@swchosting.net]
Sent: Thursday, December 07, 2006 11:09 PM
To: libertylake@swchosting.net
Subject: Website Contact Form

Name: Lee Shepard
E-Mail: leeshepard@ptera.net
Phone: 509-921-5445
Address: P.O. Box 396
City: Greenacres
State: WA
Zip: 99016
Preferred Contact Method: E-Mail
Preferred Contact Time: Any Time

December 7, 2006

To whom it may concern:

Re: Changes proposed to the Liberty Lake UGA.

Our home is on 10 acres located at 2202 S. Henry Road, Greenacres.

We are very much opposed to the changes being considered to the Liberty Lake UGA. Based on the issues and problems with the DEIS, as pointed out by Abby Byrne's memo dated 11/27/06, it appears the proposed changes to the UGA could have potentially significant negative impacts to our local environment. These negative impacts could affect our overall quality of life that we have come to enjoy since purchasing our home.

Our property was purchased under rural zoning which we believe should be maintained. Based on Ms Byrnes' comments, the impacts of construction and urban densities could create a serious potential for erosion due to steep slopes. Additionally, it appears there has been an overall lack of planning regarding infrastructure to support a change in the UGA. These are just a few of the concerns surrounding the DEIS. Because of Ms Byrne's comments, the entire DEIS appears to be flawed.

Therefore, we urge you to NOT approve the proposed changes to the Liberty Lake UGA.

Thank you for your consideration.

Sincerely,

12/8/2006

000113

Lee and Liz Shepard
509-921-5445

500214

Response to Lee and Liz Shepard:

- 1) See previous response to Abby Byrne's comments
- 2) Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

Amanda Tainio

From: Antlerpaul@aol.com
Sent: Thursday, December 07, 2006 1:04 PM
To: csmith@libertylakewa.gov
Cc: dsmith@libertylakewa.gov; atainio@libertylakewa.gov; spiritdoc@ccser.com
Subject: Draft EIS

To Whom It May Concern;

Rather than repeat in detail the input you have already received from various agencies and individuals, let us just state for the record that after reviewing the city's EIS, we believe unequivocally that THE EIS AS IT STANDS IS FATALLY FLAWED AND OFFERS NO VIABLE SCIENTIFIC OR LOGICAL JUSTIFICATION FOR A UGA EXPANSION.

Respectfully submitted,

Paul Shields

Keith and Brenda Shields

Ed and Margaret Shields

Heather Amity

Rich Cook

Barb Oviatt

Roger Walth

Pam Orebaugh

000125

Amanda Tainio

From: Antlerpaul@aol.com
Sent: Thursday, December 07, 2006 12:15 PM
To: dsmith@libertylakewa.gov
Cc: atainio@libertylakewa.gov; spiritdoc@ccser.com
Subject: eis

To whom it may concern

Rather than repeat in detail the input you have already received from various agencies and individuals, let us just state for the record that after reviewing the cities EIS, we believe unequivocally that THE EIS AS IT STANDS IS FATALLY FLAWED AND OFFERS NO VIABLE SCIENTIFIC OR LOGICAL JUSTIFICATION FOR A UGA EXPANSION.

Respectfully submitted,
Paul Shields
Keith and Brenda Shields
Ed and Margaret Shields
Heather Amity
Rich Cook
Barb Oviatt
Roger Walth

000000

12/7/2006

Response to:

Paul Shields, Keith & Brenda Shields, Ed & Margaret Shields, Heather Amity, Rich Cook, Barb Oviatt, Roger Walth, and Pam Orebaugh(Group e-mail)

The DEIS does not attempt to, nor is it required to, put forward every possible impact or mitigation measure, nor does it guarantee that the mitigation measures that are presented will be implemented. Detailed analysis of impacts and implementation of mitigation measures will take place upon application of specific projects so appropriate actions can be taken at that time.

The DEIS broadly examines the impacts of a range of strategies for accommodating projected growth. WAC 197-11-442 states that non-project DEISs "shall be limited to a general discussion of impacts...and implementation measures. The lead agency is not required under SEPA to examine all conceivable policies, designations, or implementation measures but should cover a range of such topics".

050614

Doug Smith
Planning & Community Development Department
City of Liberty Lake
22710 E. Country Vista Dr.
Liberty Lake, WA 99019

Received By
City of Liberty Lake

DEC 08 2006

City Clerk/Treasurer
Initials _____

RE: DEIS Comments

Dear Mr. Smith:

I am hereby submitting the following comments into the public record for commentary on DEIS as a representative of Community Addressing Urban Sprawl Excess.

The City of Liberty Lake Planning & Community Development Department is currently undergoing a GMA action of a UGA Boundary Expansion proposal. This action requires a formal SEPA document, the Environmental Impact Study. The Planning Department has elected to integrate the two documents. As such, comment periods for both documents are subject to WAC 197-11-230, which says these two documents must have the same comment period.

The P&CDD is not abiding this statute. The public notice for comments on the DEIS gave the deadline as 12/8/06 at 4 p.m. A direct inquiry to the PCD&D gives a deadline for comment submission on the UGA Boundary Proposal as 12/13/06 at 4 p.m. (See Attachment A). We now have two different deadline dates for comments. This is contrary to the SEPA guidelines for an integrated DEIS/GMA document, and has created confusion among members of the community trying to contribute to the process. People don't know whether their comments are being included in the DEIS or as part of the UGA Boundary Expansion Proposal.

The City's Public Participation Handbook Section 6 and the public participation statute of the Growth Management Act (RCW 36.70A.140) require that decision makers have adequate time to review relevant input prior to making an actual decision. The comment period for closing comments is set at 4 p.m. on 12/13/06, which is the same time as the start of the public hearing. This leaves no time for the Planning Commission to review these comments before the hearing.

The City of Liberty Lake's Public Participation Handbook, Section 2, also states the city will make available proposals for public hearings 5 days in advance. The 12/13/06 meeting public notice specifies it to be a public hearing requiring the presentation of the final EIS for review. However, the final EIS is anticipated to be released on this same date, precluding public review of this document prior to the Planning Commission meeting to vote on a recommendation for the UGA. It certainly raises the question of how the Planning Commission can make a decision on expanding the UGA based upon a wordy document they will not be able to review in advance.

I respectfully submit this letter as comment for both the DEIS comments and the integrated UGA expansion alternatives

Sincerely,

Kathi Shirley
Community Addressing Urban Sprawl Excess

cc: Planning Commission Members: Steve McElvain; Bill Jeckle, Jeff Hoover, Sheila Bell, Neal Olander, Craig Singer, Stan Jochim, Randy Grinalds

000119

EXHIBIT A: Clarification from P&CD Regarding Comments

-----Original Message-----

From: leanne harris [mailto:rosiesmama@hotmail.com]
Sent: Friday, December 01, 2006 4:20 PM
To: spiritdoc@ccser.com
Subject: FW: RE: written comment deadline
Steve,

Here's the info I got from the City. I hadn't heard back from Doug so I emailed Amanda and here's her answer.

LeAnne Harris

From: "Amanda Tainio" <atainio@libertylakewa.gov>
To: "leanne harris" <rosiesmama@hotmail.com>
CC: "Mary Wren-Wilson" <mwren@libertylakewa.gov>, "Doug Smith" <dsmith@libertylakewa.gov>
Subject: RE: written comment deadline
Date: Fri, 1 Dec 2006 09:16:20 -0800

If you are commenting on the Draft Environmental Impact Statement, the comments are due by 4pm, Friday, December 8th. Otherwise written comments can be submitted until 4pm on the 13th and you can also speak at the public hearing.

Thanks,
Amanda Tainio
Associate Planner, City of Liberty Lake
22710 E. Country Vista Blvd.
Liberty Lake, WA 99019
Phone: 509-755-6708, Fax: 509-755-6713
atainio@libertylakewa.gov

-----Original Message-----

From: leanne harris [mailto:rosiesmama@hotmail.com]
Sent: Thursday, November 30, 2006 7:15 PM
To: atainio@libertylakewa.gov
Subject: RE: written comment deadline

Hi,

I am wondering what is the official date and time that letters regarding the UGA extension are due for the Planning Commission Meeting on Dec. 13th?

Thank you,

LeAnne Harris

From: "Amanda Tainio" <atainio@libertylakewa.gov>
To: <atainio@libertylakewa.gov>
Subject: Notice of Planning Commission Public Hearing
Date: Tue, 28 Nov 2006 14:43:47 -0800

LEGAL NOTICE OF CITY URBAN GROWTH AREA (UGA) BOUNDARY ALTERNATIVES PUBLIC HEARING

PUBLIC NOTICE OF CITY URBAN GROWTH AREA (UGA) BOUNDARY ALTERNATIVES PUBLIC HEARING

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT: The Planning Commission of the City of Liberty Lake will hold a public hearing on the draft City UGA Boundary Alternatives and a possible recommendation may be forwarded by the Planning Commission to the City Council at the end of the hearing. This meeting will be an official meeting of the Planning Commission and will consider matters per the Agenda. **The public hearing will be held Wednesday, December 13, 2006, beginning at 4pm @ the Liberty Lake City Hall Council Chambers, 22710 E. Country Vista Blvd., Liberty Lake, WA.**

A brief presentation on the alternatives, the preferred alternative, and the SEPA process will be conducted at the beginning of the hearing and attendees will have the opportunity to comment on the above-mentioned alternatives during the public hearing. Written comments will also be accepted. Please submit all written comm

For more information, please contact: Doug Smith, Director of Planning & Community Development, 22710 E. Country Vista Blvd., Liberty Lake, WA 99019. Phone: 509-755-6706, Fax: 509-755-6713, Email: dsmith@libertylakewa.gov. Information is also available on the City Website at www.libertylakewa.gov/development/public_notices.asp.

000000

Response to Kathi Shirley (1):

- 1) The City of Liberty Lake has met all SEPA notice and commenting periods required by state law as adopted in the City of Liberty Lake Development Code, Chapter 6 Environment, section 6A-11, pages 6-21 through 6-22.

The City included two pages of instruction on how to comment on the DEIS and the alternatives in the opening pages of the DEIS.

- 2) The comment for the DEIS ended at 4 p.m. on December 8, 2006. The comment for the UGA alternatives continues until adoption of a final UGA boundary after it has gone through the entire City and County Process.
- 3) The GMA Public Participation Program Handbook states that "Proposals or alternatives should be available at least 5 days prior to a public hearing or 1 day prior to a public workshop or meeting scheduled for their discussion or a decision." The City makes every effort to meet these goals.

TO: DEIS Comments
Planning & Community Development Department
22710 E. Country Vista Blvd
Liberty Lake, WA 99019

2

Received By
City of Liberty Lake

DEC 08 2006

City Clerk/Treasurer
Initials _____

FROM: Kathi Shirley

DATE: 12/8/06

RE: DEIS Comments

Please accept the following comments on the Draft Environmental Impact Statement (DEIS) issued by the Liberty Lake Planning & Community Development Department (P&CDD) on 11/8/06. The impact of the alternatives being considered has far reaching consequences not just for the City of Liberty Lake but for the entire community. It is my sincere hope that the decision makers in the process will thoroughly review all the issues before moving forward with a recommendation.

I have organized my comments into sections: 1) Process; 2) DEIS Format; and 3) DEIS content; and 4) Alternatives. I use examples rather than specifics to support comments rather than specifying every situation in the DEIS that fits the problem area.

Process

The Washington State SEPA handbook states that a final EIS must be presented and stipulates it "is completed early enough so that there is still a choice between reasonable alternatives." All substantive comments on the DEIS must be addressed in the final EIS in accordance with WAC 197-11-560. The analysis and response of comments "may include additional studies and modeling to evaluate probable impacts." The P&CDD deadline for comments on the DEIS is 12/8/06 and the final EIS with UGA boundary alternative is to be presented on 12/13/06. Three business days is hardly adequate to collect, review, categorize and address these comments. I submit that the P&CDD cannot follow the spirit & intent of public participation in the SEPA guidelines with this time line.

The City of Liberty Lake's Public Participation Handbook, Section 2 states "The City of Liberty Lake will take the following steps to ensure that pertinent documents are available in a timely manner to those who want or need them. Proposals or alternatives should be available at least 5 days prior to a public hearing or 1 day prior to a public workshop or meeting scheduled for their discussion or a decision."

The 12/13/06 Planning Commission meeting is a public hearing, requiring this 5 day availability period. The P&CDD timeline shows the final EIS/UGA Boundary Alternative being presented on 12/13/06. The P&CDD has not followed its own guidelines in allowing the public and the Planning Commission adequate time to review the final EIS/UGA Boundary Alternative.

The public notice for the 12/13/06 meeting states "a possible recommendation may be forwarded by the Planning Commission to the City Council at the end of the hearing." Voting on forwarding a recommendation is construed as an action of a public meeting per RCW 42.30.020. If the Planning Commission votes on the final EIS/UGA Boundary Alternative on 12/13/06, it is in opposition of WAC 197-11-460(5) which states: "Agencies shall not act on a proposal for which an EIS has been required prior to seven days after issuance of the FEIS." This rule applies to integrated GMA/SEPA documents per WAC 197-11-230(5). The Planning Commission, P&CDD and the City of Liberty Lake are not immune to state law.

4 { No action should be taken on any proposed or preferred alternative without the P&CDD also providing a Capital Facilities Plan that coincides with the proposal. Changing the UGA boundaries will revise the City's Comprehensive Plan, of which the Capital Facilities Plan is a mandated section by RCW 36.70A.070. There has been no timeline provided for this by the P&CD. Given the large scope of the proposed UGA expansion areas and the lack of existing urban infrastructure in these areas, recommending any proposal without the plan for paying for it would be seriously remiss.

5 { Substantive comments made at the 11/8/06 and 11/27/06 Planning Commission meetings regarding issues in the DEIS should be summarized and addressed in the final EIS. When asking for a copy of the recordings of these meetings, I was informed that the City does not have the capability to reproduce these tapes but I was welcome to review them during business hours. I was quite willing to pay for these copies yet the City will not provide them to me. I believe this violates the Open Public Information Act.

6 { Communications by members of the public not residing in the city have gone unanswered repeatedly and been ignored by the PCD&D. Nowhere in the definitions of the Growth Management Act, the RCW's or the WAC's does it say that "Public" means "City Resident." The PCD&D director was heard to laugh about the fact that although there were over 70 community members at the 11/27/06 Planning Commission workshop, "only 4 of them were from the city." He completely disregarded the fact that many of the people attending actually live in the SW UGA expansion area and will be more directly impacted by the proposals than anyone in the existing city boundary.

7 { The above actions by the City of Liberty Lake Planning & Community Development Department show a disregard of the spirit and intent of the Growth Management Act, which is based open public participation. This is not the first time the PCD&D has not followed the spirit and process of the GMA, as evidenced in the April 2003 decision of the Eastern Washington Growth Management Hearings Board. The community of Liberty Lake has the right and responsibility to choose the shape of its growth, and the P&CDD as well as the Planning Commission and City Council have an obligation to listen to the will of our community.

Format of DEIS

The Washington State SEPA handbook Section 3.3 provides guidelines for agencies in drafting both the DEIS and the final EIS. The P&CDD has ignored many of these guidelines in the DEIS.

The handbooks states a DEIS for a large scope proposal "may not exceed 150 pages [WAC 197-11-425(4)]. The EIS should provide information that is readable and useful for the agencies, the applicant, and interested citizens." The DEIS as presented by the PCD&D tops out at 155 pages, not including appendices.

The DEIS fails to follow these other guidelines as well:

"A readable document:

- Is well organized"
 - The DEIS is so poorly organized I don't even know where to start referencing examples. I read several other environmental impact studies from agencies such as the City of Spokane Valley and the County of Spokane for comparison. These other documents provide the information in formats that are easy to find and follow. The DEIS presented by the PCD&D does not. Maps are inserted indiscriminately into sections with no legends, when they could easily have been placed in an appendix and referenced. Tables flow over page divisions with no regard to readability. Text is repeated within each section unnecessarily.

- “Provides useful tools for the reader, such as a table of contents, glossary, index, references”
 - While the DEIS does have all these elements, the PDF format in which the DEIS was presented rendered them useless. The page numbers on the Table of Contents do not correlate to the page numbers in the PDF document. The reader was forced to scroll through the 319 pages to find the correct section. This could have been easily remedied by either having the table of contents linked to other sections in the document or having the file created as searchable. I am no computer expert and I can handle doing both of these. Certainly the PCD&D could have found the resources to do the same if they were actually interested in providing useful tools. The appendix containing the comments should have contained a summary page referencing the contents, without requiring readers to search blindly. Again, an easily remedied issue completely disregarded in the DEIS.
- “Is brief and concise”
 - Under absolutely no definition can the DEIS be deemed either. The scope of the proposal may not allow it to be brief, but concise is certainly possible. Particularly sections such as Earth Impacts (p2-7 to 2-10) contain excessively redundant text from page to page.
- “An EIS is not meant to be a huge, unwieldy document.”
 - Even the members of the Planning Commission have made reference to the DEIS being just that.

It was certainly possible for the PCD&D to have produced a DEIS that would meet the above guidelines. Perhaps if the department had taken adequate time to prepare the document this would have occurred. It would more likely be a SEPA guideline-friendly document if the PCD&D had consulted with persons who had prior experience in preparing DEIS/EIS reports.

DEIS Content

In Section 2.1.2, Earth – Impacts, the DEIS refers to the impacts of Alternatives 2, 4,5,6 and 7 using the term “may” for all of the various environmental factors. I submit that if these impacts were in the realm of “may” that there would be no need for a DEIS. These impacts should have been stated as “will” impact the environment. Additionally, the mitigating factors for the enormous earth impacts are not clearly stated as actions, but rather as goals. According to the SEPA handbook, “Mitigation measures must be related to a specific adverse impact clearly identified in an environmental document on the proposal, and must be reasonable and capable of being accomplished.” While the mitigation factors proposed are capable of being accomplished, they are not reasonable to prevent the certain deleterious impact of including these areas in a UGA.

Section 3.5.2 Plants and Animals – Impacts again shows that all alternatives except number 1 will have significant adverse impacts on wildlife. The mitigating measures listed here again are goals rather than actions, using such things creating educational programs and implementing action programs only on public land.

Section 3.4 Land Use Etc. has some serious problems in its evaluation of the current land use and expected development. One of the major flaws is that section 3.4.1.7 only calculates the required residential land supply based upon one figure of 4 units per acre. The analysis of the other alternatives 3.4.2.2 uses a range of figures from 4 – 6 units per acre. Ranges give a clearer picture when dealing with projections such as population growth, but should be applied evenly throughout the entire land analysis.

Table 3.6, a residential market profile, is virtually worthless as a tool in evaluating the cost of homes in the city boundary. First it is taken from a report published by a local realtor, instead of from actual county sale records. Second, it includes the entire Liberty Lake community, including more expensive houses around the lake and houses with acreage. This table is the basis for one of the main proposed impacts of Alternative 1, which is that housing costs will become too high if the city boundaries are not expanded. The argument cannot be supported with the data provided.

12 { Section 3.4.2.1 for Alternative 1, No Action, clearly states the expected growth can be accommodated within the existing city boundary with an increase in density. This density is expected to require 6 units/acre for future development. Considering that the City has recently approved the Liberty Lake Village plat with a density close to 7 units/acre. Additional development at this recently approved development density will certainly allow the City to accommodate the population projection without moving the UGA.

13 { Section 3.4.2.2 regarding Alternative 2 states the approximately 2000 acres would be reduced to approximately 410 acres suitable for development. I see no substantiating evidence as to how this number was derived. Basing the proposed population in this area on such a disproportionately small amount of the available land seems to be overly optimistic given the development trends allowed by the City of Liberty Lake in the past. I submit that the developable acres in this region would be much higher. This would create an even greater environmental impact and need for infrastructure. No range is considered in the DEIS, only absolute numbers derived from who knows where.

14 { The analysis of Commercial, Industrial and Light Use lands supports the fact that the City of Liberty Lake has adequate acreage for these uses for the next 20 years. The City does not need any more land. Once lands are added to the UGA, changing zoning from residential to commercial is as easy as asking for it from the City of Liberty Lake Planning Department. No mitigation measures are in place to prevent this from happening. The historical record of such decisions by the Planning Department show that such requests for re-zoning are rarely denied. Welcome to Wal-Mart on the Hill!

Alternatives

4 { The only Alternative that meets the guidelines of the GMA is Alternative 1. It meets the guidelines for urban development by encouraging development in an area already characterized by urban density and already supported by sewer, water, utilities and other services. It is also the alternative with the least environmental impact (see summary pages 1-5), the least impact on plants and animals, no impact on shorelines. It will also be the most cost effective. All of these reasons support no action on the changing the existing city UGA, and are in accord with the Growth Management Act.

4 { Alternatives 2,4,5, 6, and 7 make no sense. The land is not characterized by any urban growth and will require substantial investment in infrastructure, including sewer, water and stormwater drainage. Alternative 3 is problematic due to the close proximity to the fragile Spokane River. Including this area in the UGA should be accompanied by stringent development standards that are enforceable.

4 { All of the alternatives will impact our already overcrowded schools. The Central Valley School District has requested no further development be approved until the school can get the funding it needs to maintain levels of service. Regardless of the alternative chosen, I sincerely urge the City of Liberty Lake to listen. Stop the building until the school issue is resolved.

Thank you for addressing these comments.

Sincerely,



Kathi Shirley

Response to Kathi Shirley (2):

- 1) The DEIS is the first of many steps in the process of possible expansion of the UGA boundary. The DEIS and FEIS have been "completed early enough that there is still a choice between reasonable alternatives." It is inappropriate to speculate on the completeness of a document that had not been released as of the date of the above letter.
- 2) The GMA Public Participation Program Handbook states that "Proposals or alternatives should be available at least 5 days prior to a public hearing or 1 day prior to a public workshop or meeting scheduled for their discussion or a decision." The City makes every effort to meet these goals.
- 3) Timing for the Planning Commission recommendation will comply with state law.
- 4) WAC 197-11-450 states that "A cost-benefit analysis (WAC 197-11-726) is not required by SEPA. If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered by an agency for the proposal, it may be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences. For purposes of complying with SEPA, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations." Areas identified as Liberty Lake Joint Planning areas will be included in Liberty Lake's Capital Facility Plan prior to adoption of joint planning agreements.
- 5) Not a comment on the adequacy of the DEIS
- 6) Questions from the public have been answered repeatedly at all public meetings, have been summarized and posted on the City website, and are included in this document.
- 7) The City of Liberty Lake has met all SEPA notice and commenting periods required by state law as adopted in the City of Liberty Lake Development Code, Chapter 6 Environment, section 6A-11, pages 6-21 through 6-22.
- 8) The DEIS is organized in an acceptable and easily read format. The Table of Contents is complete and detailed, and all maps are listed individually with page numbers. All maps that require legends have them, and many of the maps are also included in Appendix D, which has them clearly listed on the first page of the appendix.

Text is repeated as necessary when effects and mitigations of alternatives are similar. Because the text may be 5 pages over the prescribed limit does not affect the validity of the document.

The Portable Document Format of the DEIS that was provided to the public is searchable, and can also be searched using the edit/find option. The Portable Document Format on the City website is also searchable using the edit/find option.

It is a common and accepted practice that agencies prepare their own EISs for agency actions. The DEIS that was prepared by the City of Liberty Lake for the UGA boundary alternatives meets all requirements for state law and sufficiently addresses items for this non-project action.

- 9) The DEIS does not attempt to, nor is it required to, put forward every possible impact or mitigation measure, nor does it guarantee that the mitigation measures that are presented will be implemented. Detailed analysis of impacts and implementation of mitigation measures will take place upon application of specific projects so appropriate actions can be taken at that time.
- 10) Section 3.4 represents existing land quantity analysis and projected buildout within vacant land.
- 11) The residential market profile is intended to be informational only, not as a basis for calculating home values.
- 12) The DEIS does not advocate for any alternative or combination of alternatives examined.
- 13) Not a comment on the adequacy of the DEIS, but rather an expression of opinion.

- 14) Not a comment on the adequacy of the DEIS, but rather an expression of concern for various issues and a preference for a particular planning outcome.

TO: DEIS Comments
Planning & Community Development Department
22710 E. Country Vista Blvd
Liberty Lake, WA 99019

Received By
City of Liberty Lake

DEC 08 2006

City Clerk/Treasurer
Initials _____

FROM: Steve Shirley

DATE: 12/4/06

RE: DEIS Comments

Please enter into the legal record this letter as my commentary on the DEIS. I use examples to support my comments on problems I found rather than specifying every situation in the DEIS that fits these problems.

General Overview

In general, I find the DEIS difficult to read and observe a recurrent tendency to not address substantive environmental issues that this document should address. This document appears to be hastily put together and I think that this directly relates to the short period of writing this DEIS. The process initiated with requests for scoping on 10/3/06, with scoping comments due by 10/24/06. The DEIS was issued on 11/8/06, being finished in a mere 14 days!

Interagency Review

It is my understanding that the City of Liberty Lake's Planning Department has not met with the affected agencies for interagency review. In fact, there is no mention of these agencies' input or concerns relative to this DEIS. The fact that other agencies' comments are not included within the DEIS is a serious concern. The issues they raise should be specifically addressed in the DEIS. The lead agency also failed to notify the Department of Archeology and Historic Preservation, as lands proposed for inclusion within the UGA include lands of historic interest to the Coeur d'Alene Tribe.

Scoping Issues Not Addressed

The DEIS does not address issues raised in the scoping process. I raised the issue of there being no stormwater drainage system in the SW UGA expansion area. The DEIS fails miserably in addressing this issue (p 3-21, 3-22), offering neither an analysis of the environmental impact or any plan or solution for stormwater drainage in an area that includes both wetlands and watershed for Liberty Lake.

While the document says there will be increased "stormwater flows and corresponding decrease in water quality", it offers nothing in terms of either the extent of water degradation or proposes any solution to avoid this. Has a hydrologist been hired by the City to study this for the DEIS? No.

4 { Similarly, I requested during the scoping process that previous studies of wildlife corridors in this area be included in the document, including the GAP Analysis Study utilized by Spokane County in its process for developing this area's current zoning. I even emailed a link to this study to Mary Wren Wilson, author of this DEIS. Yet Section 2.5.1.1.8 Migration Routes and Wildlife Corridors incorrectly states that no migration routes or wildlife corridors are located within the planning area. Spokane County zoned this as rural conservation in part to preserve these migration areas that the DEIS ignores.

Public Notice and Participation

5 { The City of Liberty Lake failed to provide adequate notice to the public in the initial stages of the scoping process for the EIS. In particular, the public was not informed of the 10/11/06 "Public Meeting on UGA Study Boundary and EIS Scoping." WAC 197-11-510 spells out that the lead agency is compelled to provide reasonable methods to inform the public including these examples that were not used by the lead agency during this process:

- 1) Publishing notice in a newspaper of general circulation.
The only published notice was in the Spokane Valley Herald, a small newspaper with a limited circulation in Liberty Lake. The Spokesman Review was not notified.
- 2) Notifying public or private groups with a known interest in a certain proposal or in the type being considered.
The Liberty Lake Property Owners Association, who have been active in land use planning for well over 30 years, was not notified. The Watershed Committee for Liberty Lake was not notified. The Greenspace Committee for Liberty Lake was not notified.
- 3) Notifying the news media.
No television or major circulated media was notified.
- 4) Placing notices in appropriate regional or neighborhood journals.
The Liberty Lake Splash was not notified. This community newspaper goes to every household in Liberty Lake.

Because the public was not properly notified of the 10/11/06 public meeting on the UGA Boundary and EIS scoping process, the City of Liberty Lake failed to follow the spirit of the GMA, which states that public participation is at the core of the process. This error in following the process was brought to the attention of Doug Smith, Mayor Peterson, and the City Council in correspondence to them on 10/13/06 (Exhibits A and B). None of these parties addressed my concerns and there was no response from them.

The City Planning Department also failed to follow the Growth Management Public Participation Handbook published by the City on April 2, 2003. It states "The City of Liberty Lake will develop, implement and maintain communication programs and information services for involving the broadest cross-section of the community." (Exhibit C). Yet my formal request to have all of the relevant planning commission

5 { meeting times moved to a time after work was generally disdained and only one meeting was moved to 5:30 p.m., on a Monday night following Thanksgiving weekend while the Seahawks were playing!

The Planning Department has also failed to follow these guidelines spelled out in the Public Participation Program Handbook:

- 5 {
- a 1) Proposals should be available 1 day prior to a public workshop or meeting scheduled for their discussion (p.4). The DEIS was not released one day prior to the 11/8/06 Planning Commission Public Workshop to discuss the DEIS. And at that workshop the DEIS was not available in written form, but was only on a CD. This effectively prevented any review or discussion of the DEIS at the public workshop to review and discuss the DEIS. Similarly, the maps of the proposed UGA expansion areas were not released one day prior to the 10/11/06 public meeting on "UGA Study Boundary and EIS Scoping."
 - b 2) "Written findings of fact and minutes for all public hearings shall be available." (p.3). There are no published minutes available from any of the planning commission's meetings. "Record regular and special meetings and make audio tapes available for public review". A request was made for a copy of the audio tape of the 11/8/06 Planning Commission workshop and we were informed a copy was not available, and that we had to go to City Hall during regular business hours if we wanted to listen to it.
 - c 3) The SEPA process calls for full and open disclosure during this process. However, relevant documents to this process including the maps of the proposed expansion UGA areas were not available for public review on the City's website during the scoping period. They were inexplicably removed from the website during this process.
 - d 4) "Submit articles for the city newsletter concerning local planning and community development issues to be circulated to all city residents." The city newsletter Liberty Link, published during the height of the public participation period doesn't contain a single article on the UGA expansion process or its implications for the community. (Exhibit C)
 - e 5) "Issue press releases, public service announcements and media packs as appropriate to inform the public...." Not a single one of these methods of public education was employed by the City of Liberty Lake's planning department during this process.

Screening Criteria

6 { Spokane County adopted Screening and Evaluation Criteria for the Spokane County Comprehensive Plan Update on August 15, 2006. These guidelines set clear criteria for UGA consideration and states that "areas within existing urban development patterns should be given priority." It also states that:

- Rural conservation lands should not be included in the UGA.
- Areas with significant stormwater problems are not preferred.
- Areas with known deficiencies in transportation levels of service are not preferred.

- Areas where existing public sewer and water service is available should be given preference.

Clearly, Alternatives 2, 4, 5, 6 and 7 do not meet any of these criteria. These are areas that are characterized by rural densities, critical areas, geological hazards and steep slopes, lake watershed and wetlands. This is clearly not appropriate for urban development. One has to wonder why there was no UGA expansion area drawn that avoided these areas.

Population Allocation

The City of Liberty Lake's Planning Department provided inaccurate and deceptive information to the public regarding the nature and origin of the population allocation number. At several meetings, Planning Director Doug Smith stated that the 20 year population allocation projection was given by the County to the City. It was reiterated by Mr. Smith that the County had provided the City with these numbers and that this was essentially forced upon the City and that now the City had to plan for this amount of growth. When asked directly about this, Mr. Smith said "The County gave us the numbers." In fact, this is simply not true. Spokane County asked the City of Liberty Lake to project their population and this allocation was chosen by the City and submitted to the Steering Committee of Elected Officials. Steering Committee Official Mark Richards (Exhibit E) and Spokane County Planner John Pederson (Exhibit F) attest to this fact.

There is also no clarification in the DEIS that this is an "initial" population allocation number only. There has been no mention in either the DEIS or public workshops on the DEIS that at this point in the planning process the DEIS is intended to provide information which, in part, is to address if this initial allocation chosen by the City is feasible

The public has been misled on the whole population allocation issue. Liberty Lake officials, including Doug Smith and Mayor Peterson had met with the Steering Committee of Elected Officials early in 2006 regarding this issue. Yet there was never a single mention of this process to the community of Liberty Lake and the community was never informed nor involved in the decision to increase the 20 year population allocation.

In fact, Mr. Smith was interviewed in the 8/24/06 edition of the Liberty Lake Splash (Exhibit G) and was quoted as saying the population of Liberty Lake would reach 15,861 in 20 years. However, the 22,511 population allocation number had already been adopted by the County and Mr. Smith was not only well aware of the higher number but had a hand in determining it.

Deleterious Effect on Watersheds

The areas examined for inclusion within an expanded UGA are neither characterized by urban growth nor fit the established criteria for the location of an urban growth area.

3 { Areas within the SW UGA contain critical areas including wetlands in the Saltese Flats. There are wetland streams and 45% of this area is watershed for Liberty Lake. Similarly, development within the NW UGA is opposed by the Fish and Wildlife Department because urban development puts the Spokane River at risk. The Draft EIS does not appraise the extent of the environmental impact that urban development will have in these areas, including the impact of impervious surface coverage, stormwater re-routing, and the destruction of natural buffers and filters for stormwater in these areas.

8 { Lack of Urban Infrastructure and Public Investment

Alternatives 2, 4, 5, 6 and 7 are characterized by rural densities, wetlands and critical areas. They have no infrastructure in place to support urban density development including water, sewer and transportation. This is particularly true of sewer services. A large portion of the SW UGA expansion area is designated as outside Spokane County's Sewer Service Area for 3, 5 and 7 year plans for adding sewer services. Yet most of it lies outside of the service area of the Liberty Lake Sewer and Water District. The DEIS also fails to offer the slightest insight as to who is going to pay for this urban infrastructure.

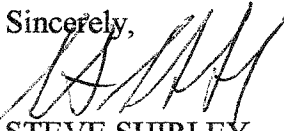
9 { Conflict of Interest

I believe there is a potential conflict of interest in having the head of the lead agency, City Planner Doug Smith, owning 10 acres within the SW UGA expansion area. Regardless of Mr. Smith's stated intentions, rezoning this land to urban could allow for subdivision and development which could result in a financial windfall to Mr. Smith. This issue was presented to Mr. Smith at the 11/27/06 Planning Commission Meeting and Mr. Smith's response to this issue was "What is your point?" Yet many questions have been raised as to why most of the SW UGA alternatives included rural conservation lands, which the County has specifically spelled out as not appropriate for urban development. It is my understanding that the land owned by Mr. Smith lies within these rural conservation lands.

6 { Current UGA Can Accommodate Growth

There is currently adequate land within the current UGA to accommodate the population allocation. Therefore the UGA should not be expanded.

Sincerely,



STEVE SHIRLEY

Exhibit A**Steve Shirley**

From: Steve Shirley [spiritedoc@ccser.com]
Sent: Sunday, October 22, 2006 7:15 PM
To: 'dsmith@libertylakewa.gov'
Cc: 'speterson@libertylakewa.gov'; 'vanormanby5@aol.com'; 'dennispaul@ptera.net';
'drcrump@ptera.net'; 'davidcr@spokaneschools.org'; 'lounjo@msn.com'; 'jowens@ccser.com';
'bsays@libertylakewa.gov'; 'patrick@webband.com'
Subject: Formal Request

October 23, 2006

Doug Smith, City Planner
City of Liberty Lake
22710 E. Country Vista Blvd
Liberty Lake, WA 99019

Dear Doug:

I am making a formal request that you extend the period for receiving comments on the UGA extension and cope of EIS. In particular, I believe the city failed to follow the spirit of the Growth Management Act as spelled out by our state legislature. By only notifying the public by legal notice in the Spokane Valley Herald until this last issue of the Splash (10-19-06), the city has failed to follow its legal obligation of Public Notice in WAC-197-11-510. I confirmed with Splash editor Josh Johnson that this was the first public notice on this issue that was given to him by the city government.

Furthermore, the City of Liberty Lake has failed to follow its own published guidelines on public education and participation in this process. The City of Liberty Lake's handbook "Growth Management Act Public Participation Program Handbook" (4-2-03) states on page 3

"The City of Liberty Lake will inform the public through various techniques including, but not limited to, the following....provide public legal notices for upcoming special workshops and hearings in our official City newspaper, as well as the Liberty Lake Splash if appropriate..."

Therefore, the city failed to give the community adequate legal notice for the public meeting on this issue that was held 10/11/06. I attended this meeting and out of the twelve or so people in attendance, at least seven were there because they were notified by me or Beth Cochiarella.

I request that you begin this process anew. The Growth Management Act calls for the city to "encourage the involvement of citizens in the planning process." Because the city has failed to notify the public and held relevant public meetings without this notification, the city is failing to comply with the spirit of the GMA and its procedures.

Sincerely,

STEVE SHIRLEY

11/21/2006

000023
No reply from City Planner, Mayor
or City Council. Letter also hand delivered
11/21

cc: City Council; Mayor of Liberty Lake
cc: CAUSE Council; Josh Johnson – Splash; Christopher Rodkey

--
No virus found in this outgoing message.
Checked by AVG Free Edition.

969100

11/21/2006

Exhibit B

Steve Shirley

From: Steve Shirley [spiritdoc@ccser.com]
Sent: Sunday, October 01, 2006 9:28 AM
To: 'speterson@libertylakewa.gov'
Subject: Public notices

Dear Mayor Peterson,

I was recently looking for a public notice in the Splash regarding the time of an upcoming land use issue hearing and was surprised that I couldn't find it in there. I now understand that the City's public notices are listed in the Valley News Herald. Why do you use the Herald and not the Splash? I believe their circulation is fairly small in our community. I have since found your section on your website with this information but many people I have talked to were unaware or unable (technically speaking) to find this information.

Thanks for your assistance, Steve Shirley #255-9410

--
No virus found in this outgoing message.

Checked by AVG Free Edition.

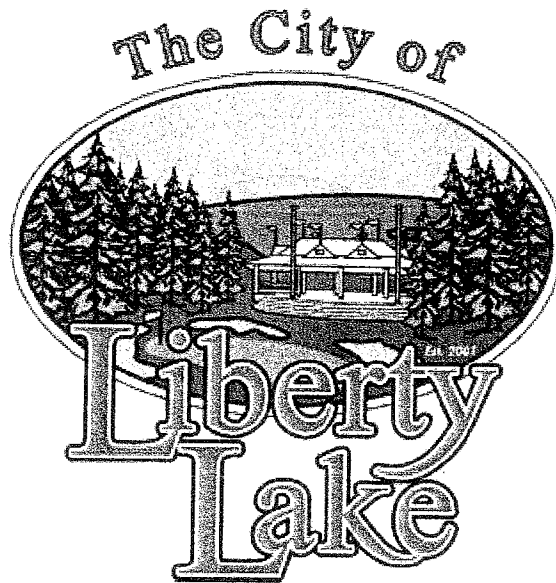
Version: 7.5.430 / Virus Database: 268.13.27/517 - Release Date: 11/3/2006 4:30 PM

No reply from The Mayor.

360233

11/3/2006

Exhibit C



**GROWTH MANAGEMENT ACT (GMA)
PUBLIC PARTICIPATION PROGRAM
HANDBOOK**

Introduction

Citizen participation is an important element of the Growth Management Act (GMA). Public participation is one of the Planning Goals outlined in RCW 36.70A and that goal states that jurisdictions shall "...encourage the involvement of citizens in the planning process." The comprehensive plan development and amendment process, as well as the development and amendment of implementation regulations should be a "bottom up" effort, involving early and continuous public participation [RCW 36.70A.140 and WAC 365-195-600]. The City of Liberty Lake has citizen involvement that goes beyond the minimum legal public notification requirements found in Chapter 36.70 RCW - the Planning Enabling Act, Chapter 36.70A - Growth Management Planning by Selected Counties and Cities, and supplements the Open Public Meetings Act. The City's methods and basic framework for achieving an interactive dialogue between local decision makers, City staff, and the public will be formed through this handbook and will apply throughout the local planning process leading to adoption of the comprehensive plan, development regulations to implement the plan, and later amendments.

The City of Liberty Lake Planning & Community Development Dept. will oversee the public involvement in the local GMA planning process, but it is the City Council that decides on the direction and content of policy documents or regulations that they find to be in the community's best interest. The text that follows is intended to guide and form the basis for public participation programs related to GMA and the City of Liberty Lake's local planning process. The City of Liberty Lake intends to comply with these guidelines as appropriate to a situation. However, it should be noted that legitimate deviations from the guidelines may be warranted, given specific circumstances. The GMA, specifically RCW 36.70A.140, states that "... errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed."

Public Participation Program

1. Communication and Information

The City of Liberty Lake will develop, implement, and maintain communication programs and information services for the purpose of involving the broadest cross-section of the community in the planning process. To ensure the overall success of the GMA planning process, The City of Liberty Lake must take steps to involve the public in a meaningful manner. To accomplish that, there are several things that must occur. First, the public should understand the basic concepts of GMA, the local planning process, and how their own participation can affect local plans and regulations. Secondly, the public needs to know how and when to get involved. And finally, they need to understand how their input is used. The City of Liberty Lake will inform the public through various techniques including, but not limited to, the following:

- Produce and make available through the City's World Wide Web Internet site, at City Hall, and at public workshops and hearings, a City of Liberty Lake public resource guide regarding GMA, the comprehensive plan development and amendment process, implementation regulation development and amendment process, local planning issues, public involvement opportunities, etc.
- Design, display, and distribute other printed and visual material to inform the public about the local planning process and engage them in relevant discussions.
- Submit articles for the City newsletter concerning local planning and community development issues to be circulated to all City residents.
- Provide public legal notices for upcoming special workshops and hearings in our official City newspaper, as well as the Liberty Lake Splash if appropriate, and through the City's World Wide Web Internet site.
- Post agendas for regular meetings on the City's World Wide Web Internet site at least 1 day prior to the meeting.
- Post agendas for special meetings on the City's World Wide Web Internet site, at the Liberty Lake Sewer and Water District, and at the Liberty Lake US Post Office branch, at least 1 day prior to the meeting.
- Compile, on an ongoing basis, a list of parties interested in GMA and local planning issues. Names should come from meeting and hearing sign-in sheets, written correspondence, and known community groups, as well as specific requests to be included. The list should be used for resource guide circulation, special mailings, and notices as appropriate.
- Issue press releases, public service announcements, and media packets as appropriate to inform the public about GMA issues, local planning activities, availability of documents, or meeting and hearing dates.
- Record regular and special meetings, and make audio tapes available for public review
- Written findings of fact and minutes for all public hearings shall be available.

2. Availability of Proposals and Alternatives

The City of Liberty Lake will maintain documents so that they are readily available to distribute in a timely fashion to all who want to review them. Documents that contain or describe proposed plans, policies, maps, regulations, or the amendment of those should be readily available. Supporting documents such as reports, analyses, recommendations, or environmental reviews should also be easily accessible. Documents must be available for review in advance of opportunities for public discussion or testimony.

The City of Liberty Lake will take the following steps to ensure that pertinent documents are available in a timely manner to those who want or need them. Proposals or alternatives should be available at least 5 days prior to a public hearing or 1 day prior to a public workshop or meeting scheduled for their discussion or a decision. When scheduled for discussion or decision, proposals or alternatives should be available as follows:

- through the City's World Wide Web Internet site or by e-mail upon request
- hard copies will be available for review or reproduction at the City of Liberty Lake City Hall or, as appropriate, through other agencies.
- Workshop and hearing notices should state the availability and location of documents describing proposals and alternatives or other supporting documents being considered.

The public participation requirements shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, government agencies, businesses, and organizations of proposed amendments to the comprehensive plan and development regulations. Reasonable notice procedures may include as appropriate:

- posting the property for site-specific proposals;
- publishing legal notice in the official City newspaper and the Liberty Lake Splash as appropriate
- notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
- placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and
- publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

3. Public meetings, workshops, and hearings

The City of Liberty Lake will publicize public workshops and hearings to ensure that the community is made aware of the opportunities to become involved in the planning

process. At a minimum, the requirements of RCW 36.70 and RCW 36.70A pertaining to public hearings and notification will always be met. However, The City of Liberty Lake will go beyond the legal minimums to ensure the public is aware of meetings or hearings and of their opportunity to be involved in local planning efforts.

- Public meetings, workshops, open houses, and design forums are opportunities for open discussion between the public, staff, and decision-makers that do not normally involve public testimony.
- Public hearings are more formalized, legal proceedings where public testimony is presented to a decision-maker for consideration. The result of a public hearing generally consists of an official recommendation in the case of the Planning Commission or a legislative decision by the City of Liberty Lake City Council.

The following guidelines provide direction regarding the number, location, and notification of meetings, workshops, and hearings relative to the local GMA planning process.

- At least one public hearing will be conducted prior to making either a recommendation or an official decision on a comprehensive plan, a development regulation implementing the plan, or an amendment to either.
- As appropriate, given the specific proposal, public workshops should be hosted prior to the public hearing(s) as a means to involve and educate the public and solicit their opinions, reactions, or suggestions. The number of workshops should be based upon the specific circumstances of the case.
- The public shall also have the opportunity to attend regular or special meetings to observe and aid in discussion topics

A variety of notification techniques should be used to advertise meetings and hearings. The following list, while not exhaustive, represents those that the City of Liberty Lake will generally employ. Ultimately, the specifics of the proposal may dictate the best technique or combination of techniques to be used. Additional advertising methods may be identified and used as warranted by the circumstances.

- Legal notices as required by applicable statutes.
- Articles in the local newspaper(s)
- Posting on the City of Liberty Lake's World Wide Web Internet site.
- Mailings to the compiled list of interested parties.
- Media releases.
- Notices in community or neighborhood newsletters as appropriate or available.
- Public workshops or hearings should be advertised at least 14 days before the scheduled date
- Agendas for regularly scheduled and special meetings shall be posted on the City's World Wide Web Internet site, at the Liberty Lake Sewer and Water District,

and at the Liberty Lake US Post Office branch, at least 1 day prior to the meeting, as appropriate.

- Working subgroup meetings may deviate from the above techniques due to the unique circumstances associated with their function. These include the rapid, high volume, recurring meetings of technical committees, subcommittees, or work groups which focus their efforts on specific issues or limited supporting tasks (as opposed to meetings of a quorum of the Planning Commission or City Council in which they consider complete draft plans, regulations, or amendment proposals meant to result in a formal recommendation or official decision).

4. Opportunity for open discussion

The City of Liberty Lake will ensure that public meetings allow for an open discussion of the relevant issues and that hearings allow for appropriate public testimony. When public meetings, workshops, or hearings are conducted, The City of Liberty Lake will ensure that those who choose to participate in the planning process have the opportunity to actually take part and have their opinions heard. To ensure participation opportunities, the following actions will be implemented.

- Establish an agenda that clearly defines the purpose of the meeting or hearing, the items to be considered, and actions that may be taken. If available early, the agenda should be included or summarized in the notice(s).
- The scheduled date, time, and place should be convenient so as to encourage the greatest number of people to attend.
- A clearly identifiable facilitator or chair will conduct the meeting or hearing in an orderly fashion to ensure that all attendees have an opportunity to discuss issues, offer comments, or provide testimony.
- The facilitator or chair should provide introductory remarks outlining the purpose of the meeting or hearing and describing how the attendees can best participate and how their input may be used.
- As appropriate, City staff may provide a brief overview of any documents or proposals to be considered.
- All persons desiring to participate should be allowed to do so. However, specific factors, such as the purpose of the meeting, size of attendance, time factors, or other opportunities to participate, may suggest some appropriate constraints to be applied. Rules of order for the meeting or hearing should be set forth clearly by the chair or facilitator.
- All attendees will be encouraged to identify themselves on sign-in sheets.
- All meetings and hearings should be tape recorded.
- Written findings, decision, and minutes should be prepared and available as soon as possible following a hearing. Summaries for meetings or workshops may be prepared if requested and as appropriate; summaries should include a listing of relevant issues, comments, or responses.

- Special arrangements for meetings or hearings will be made under the provisions of the Americans with Disabilities Act (ADA) with advance notice.
- If the City Council chooses to consider a change to an amendment to the comprehensive plan or development regulations, and the change is proposed after the opportunity for review and comment has passed under the City's procedures, an opportunity for public review and comment on the proposed change shall be provided before the City Council votes on the proposed change.
- An additional opportunity for public review and comment is not required if:
 - an environmental impact statement has been prepared under Chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;
 - the proposed change is within the scope of the alternatives available for public comment;
 - the proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;
 - the proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or
 - the proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

5. Opportunity for written comments

The City of Liberty Lake will encourage submission of written comments or written testimony throughout the planning process. In many instances, detailed, technical, or personal comments can be best expressed and understood in written format. The following steps should be taken to encourage written comments.

- As appropriate, notices for meetings, workshops, and hearings should include the name and address of the person(s) to whom written comments should be sent, along with the deadline for submitting comments.
- Persons speaking or testifying should be encouraged to concisely express their comments verbally and provide specific details in written format.
- The deadline for submitting written comments, if allowed subsequent to a meeting or hearing, should be clearly announced by the facilitator or chair.
- Comment sheets for written public input should be available at all workshops with the deadline for submitting the completed sheets to City Hall noted.
- Innovative techniques, as appropriate to a specific planning task, should be developed and implemented to solicit and document the public's concerns, suggestions, or visions for the community. Techniques may include, but are not limited to, surveys, interactive displays, or the innovative use of electronic communication technologies.

6. Consideration of and response to public comments

The City of Liberty Lake will consider relevant public comments and public testimony in the decision-making process. Various methods for informing and involving the public, publicizing proposals, and soliciting public opinion or comments have been established above. Many of those represent the initial steps for bringing public comments into the decision-making process. Other guidelines set the stage for decision-makers to consider those comments. (For example, tape recording meetings or hearings and soliciting written comments allow decision-makers the opportunity to review and consider relevant information in detail before a decision is actually made.)

Additional steps will be taken so that comments and recommendations from the public are reviewed by the decision-makers for relevancy. Those would include the following:

- Time should be reserved subsequent to the close of a hearing or comment deadline and prior to an actual decision so that the decision maker(s) can adequately review all relevant material or comments. Reconvening a hearing for the purpose of addressing comments is an option that the decision maker(s) may use on a case-by-case basis.
- Substantive comments pertaining to studies, analyses, or reports, along with necessary responses, should be included in the published document itself (such as occurs in the SEPA process of developing a Draft Environmental Impact Statement (EIS) and then a Final EIS with comments and responses).
- The record (such as tape recordings, written comments or testimony, documents, summaries, etc.) will be compiled and maintained by the City of Liberty Lake. That record will be made available to the decision maker(s) for their consideration and review prior to a decision. Relevant comments or testimony should be addressed through the findings-of-fact portion of the decision maker's written decision or recommendation.

Steve Shirley

From: Kathi Shirley [ksnutrition@comcast.net]
Sent: Wednesday, December 06, 2006 12:20 PM
To: 'Abby Byrne'
Cc: spiritdoc@ccser.com
Subject: RE: Seattle Attorney

Abby.

I called this guy and he was great to talk to. He spent about 15 minutes with me reviewing what was going on and giving me pointers. He is also busy this week, but said he would have time next week to review what we have and give us recommendations. He also said that it is most important to get the legal action going before it goes to the city council.

The main points he said are:

- * Need to have a good record of comments and issues on file before the city council action.
- * The population allocation is key. They need to have shown in their land capacity analysis that they do not have room for these numbers. They have to have a "fact base" to make their case for expanding the UGA.
- * We need to have on record the instances when their Public Participation Handbook has not been followed. This will be key later on.
- * The organization CAUSE needs to be entered on record as being viable. We will be able to do this with the petition being added to the DEIS. We should also be having people say "This is ____, representing CAUSE" if they speak at a public hearing.
- * As for the 7 day wait period on actions after the FEIS, he said that refers to a SEPA action, not the public meeting action of the recommendation of the planning commission. He did say I should go ahead and reference it in my comments anyways just in case.
- * He said while public comments are not required on the Final EIS, we can still address public comments to the City Council on the UGA proposal and especially the land capacity analysis up to the time the City Council makes their decision.
- * He agreed that we are probably not going to win on the lower levels but we need to lay the trail for the Eastern Washington Growth Management Hearing Board.

Thanks again for the names of the lawyers, Abby!

Kathi

-----Original Message-----

From: Abby Byrne [mailto:abyrne@mindspring.com]
Sent: Wednesday, December 06, 2006 10:10 AM
To: Kathi Shirley
Subject: Seattle Attorney

Hi Kathi,

I talked to Jack this morning and told him you would be calling. Also, here is the name and phone # of the Seattle attorney representing the Ponderosa folks.

Abby

David S. Mann
Gendler & Mann
206-621-8868

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.432 / Virus Database: 268.15.13/577 - Release Date: 12/6/2006 4:39 PM

000000

Exhibit D



Your Monthly Connection to the City of Liberty Lake

Liberty Link

November 2006

Committed to Fostering Community Enrichment

Mayor's Message

This Nov. 7th we once again have the opportunity to make some real changes or to show support for the elected officials already in office. There are important issues and congressional representatives to vote on that will affect us both locally and regionally. The CVSD 356 construction bond is up for consideration again, as well as two STA propositions. Initiative measures 920, 933, and 937, as well as House Resolution 4223 are significant subjects to decide upon. Visit <http://www.spokanecounty.org/elections/> to educate yourself on these important issues and races. Look farther than the one sentence summary and read the arguments for and against before you decide which way to vote.

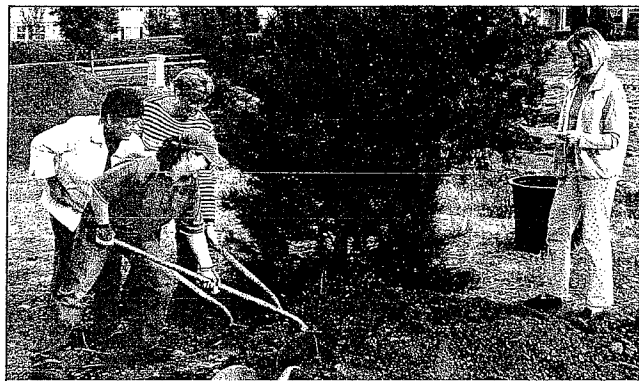
Mayor Steve Peterson

In This Issue:

Inside the City	2
Liberty Lake Lifestyles	2
Fall in Liberty Lake	3
Get Involved	4
Contact the City	4

Volunteer to be a Youth Commissioner- The City Council is seeking 9 members to serve as Youth Commissioners; a minimum of six shall reside within the City of Liberty Lake. Responsibilities would include attending relevant Council meetings as a representative. Applicants must be enrolled in grades 8 through 12 and reside within the boundaries of Central Valley School District. Length of term is two years. Seniors appointed during their senior year shall serve one year. Applications are online at www.libertylakewa.gov or by calling City Hall at 755-6700.

Spaghetti Feed to Benefit Municipal Library- The Liberty Lake Kiwanis will host a spaghetti feed and auction November 3rd at Liberty Lake Elementary School from 5:30 to 7:00 pm. The Barn on Trezzi Farm will be catering the event. All proceeds will be used to benefit the Liberty Lake Municipal Library children's programs. Tickets are \$8 for age 12 and up, \$5 for children ages 5 to 11. Children 4 and under are free. Tickets can be purchased at the Library, from any Kiwanis member, or at the door. Come and support your library and enjoy an authentic Italian meal from Trezzi Farm!

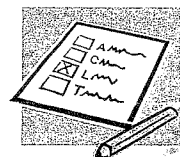


An 8 foot Austrian Pine was planted in the City Hall Landscape Demonstration Project area on Friday, October 13th to help celebrate the City's official Arbor Day.



TREE CITY USA.

Population Census Underway for Newest City Residents- The City of Liberty Lake will be conducting a population census in the recently annexed 640 acres located northwest of the city. The Washington State Office of Financial Management requires cities to conduct a population census when an annexation has been implemented. Each year the state allocates nearly \$150 million to cities and towns for municipal services such as fire and police protection and public health programs. The revenues are allocated on the basis of a city's population size. The city will conduct an actual door-to-door count to assure an accurate distribution of revenues. The population census will be conducted on Saturday October 28th from 10:00 a.m. to 1:00 p.m. and Saturday November 4th from 10:00 a.m. to 1:00 p.m. in the newly annexed area. State certification of the city's census requires that persons living in each household or group quarter facility be identified by name. A listing of names provides a means of verifying the counts and identifying the source of discrepancies. *The info provided will be kept strictly confidential.* Only the final city population count will ever be released. Resident cooperation on this project is essential. Please contact City Hall for more information at 755-6700 or population staff at the Office of Financial Management in Olympia at (360) 902-0599.



Check out Page 3 for info on the Annual City of Liberty Lake Canned Food Drive, the Liberty Lake Christmas Light Tour List, and the City Christmas Tree Lighting Ceremony !!

Inside the City

November News At Trailhead- The new covered stations at Trailhead are up, the new dividers are in, and we're gearing up for winter golf! We're looking forward to a busy winter season, and with Mother Nature's cooperation, we'll be swinging and playing as long as she allows! Come in and shop for your favorite golfer on your Christmas list. Gift Certificates are available for play (multi-punch cards), practice (driving range punch cards), lessons or merchandise. For any questions regarding tournaments, company outings or events please call the Pro Shop at 928-3484. We're open from 8am to 5pm daily.



Liberty Lake Lifestyles



Storytimes for November

Tuesday, Friday, & Saturday Mornings

10:30 - 11:00 Toddlers (Ages 3-5)

Parents/caregivers, please plan to stay during program

Nov. 7 & 10

Fall favorites @ the library! Harvest time stories and games played in Sign Language. This month we'll learn the days of the week!

Nov. 14 & 17

Pumpkin Day @ the library! Play the Name Game and learn to sign "Tuesday."

Nov. 21 & 24

Turkey Day @ the library! Play the ABC Game and learn "Wednesday" in Sign. Make a holiday decoration!

Nov. 28 & Dec. 1

Thanksgiving stories @ the library!
Help Mom by making a recipe holder.

Saturday Stories and Activities

Nov 4 Dinosaurs

Nov 11 Fall

Nov 18 Thanksgiving

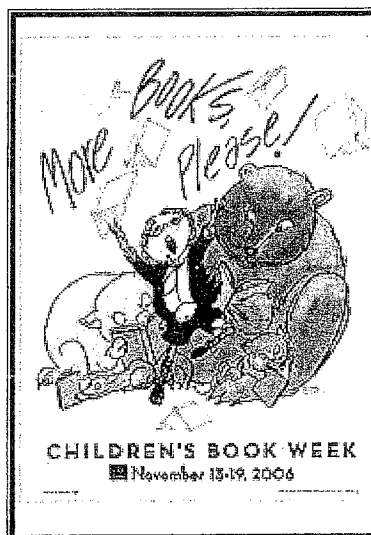
Nov 25 Bugs

For more information contact the library!
1421 N. Meadowwood Lane, Suite 140,
Liberty Lake, WA 509-232-2510
www.libertylakewa.gov/library

Don't forget to register for the new Baby Lapsit Program

at the library! This is a six week early literacy program for children 12 - 30 months old, and is available by registration only beginning Monday, November 13th at 11 a.m.

Contact Amy Dickeson at 232-2510 or adickeson@libertylakewa.gov before November 10th.

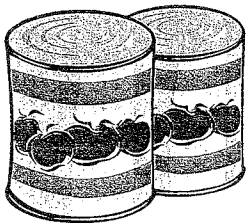


Celebrate
Children's Book
Week
@ the library!

Thursday, Nov 19th
7 - 8 pm

Parents & kids are
invited to come to
the library dressed
as their favorite
children's book
character for fun &
refreshments!

Fall in Liberty Lake



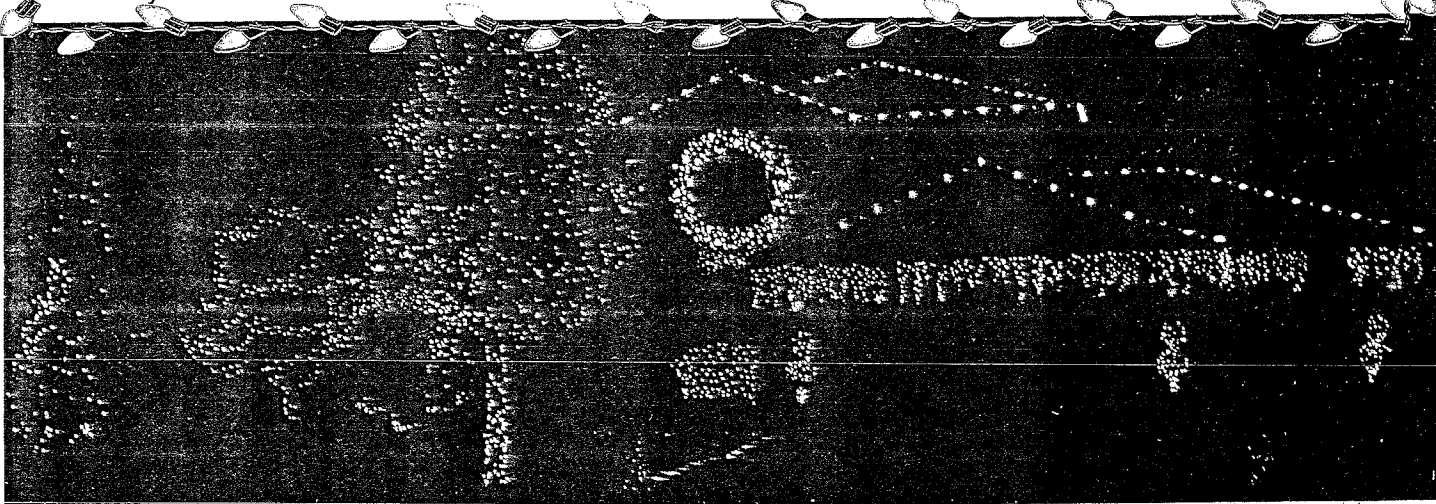
City of Liberty Lake Canned Food Drive Begins November 27th !

Gather your non-perishable food items to help the needy. The City of Liberty Lake will begin collecting donations for the Second Harvest Food Bank at City Hall, 22710 E. Country Vista Blvd beginning November 27th. Donations can be dropped off during business hours inside or left in the front atrium if City Hall is closed. Food Donations will also be accepted during the 3rd Annual City Christmas Tree Lighting Ceremony on Thursday Night, November 30th, at City Hall. Liberty Lake Kids, start collecting now because every can of food you donate at the Christmas Tree Lighting Ceremony will enter you in a Drawing to Win a Special Prize and to Help Light the Official City Christmas Tree at the Ceremony. Food donated will be distributed by the Food Bank to the 21 emergency food pantries in Spokane County. Second Harvest needs 60,000 pounds of food each month for its pantry network. Take a minute on your next shopping trip to help out the less fortunate this season. Thank You and Happy Holidays from the City of Liberty Lake !!



ADD YOUR HOME TO THE LIBERTY LAKE CHRISTMAS LIGHT TOUR LIST

From November 27th - December 8th, the City will be collecting home listings to add to our 3rd Annual Christmas Light Tour List. Last year over a dozen beautifully decorated homes were on the list and we had people from all over the area calling to obtain a copy so they could take their family on the tour. This year we hope to include even more homes. To add your home or street to the list, please stop by City Hall and sign up with your name, address, and the hours your light display will be available for viewing, call your info in to 755-6708, or email your info to atainio@libertylakewa.gov. Between November 27th and December 8th, the list will be updated on the City Website at www.libertylakewa.gov, as homes are added. A final list with pictures of the homes will be available on Monday, December 11th at City Hall, on the City Website, and at a variety of local businesses.

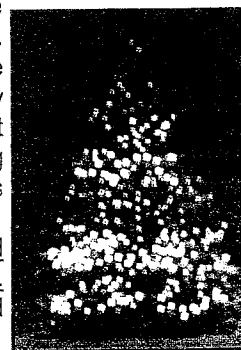


YOU'RE INVITED TO THE 2006 CITY CHRISTMAS TREE LIGHTING CEREMONY

Mark your calendars, tell the neighbors, and bring the kids on **Thursday, November 30th from 6:00pm - 8:00pm** to take part in the City of Liberty Lake's 3rd Annual Christmas Tree Lighting Ceremony. Due to the large attendance last year, please park at Trailhead Golf Course, just a short walk from City Hall. Handicap parking will be available at City Hall. The event will kick off at 6:00pm at the Liberty Lake City Hall with refreshments served and a festive book reading in the Council Chambers, followed by carols sung by the Kiwanis K-Kids, another book reading at 7:00pm, and other family activities. At 7:30pm, the Official City Christmas Tree Lighting Ceremony will begin outside City Hall and the K-Kids will lead everyone in caroling. Don't miss out!

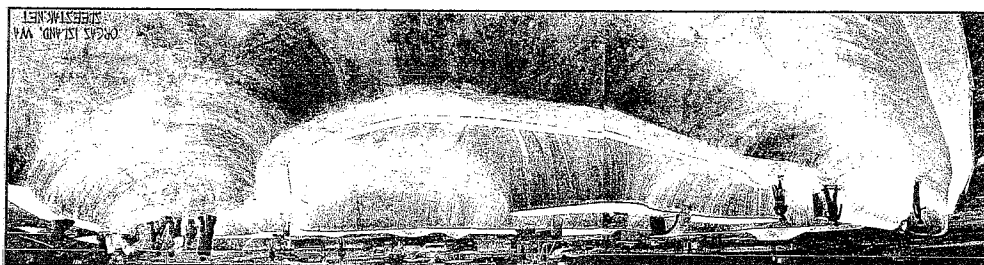


Kids, remember to bring donations for the City Hall Food Drive so you can enter into the Food Drive Contest. Each item donated helps out the less fortunate and gives you a chance to win a holiday prize!!!



POSTAL PATRON OR CURRENT RESIDENT

Skate Park in Orcas Island, WA



ECRWSS
US POSTAGE
PAID
Liberty Lake, WA

Interested in a Liberty Lake Skate Park? Call Pat Dockery at 509-533-1155 for more information...

Get Involved - November 2006

Wednesday, November 1st

- Kiwanis, 6:45 a.m., City Hall
- Senior Lunch, 10 a.m. - 2 p.m., City Hall
- SCOPE, 7 p.m., City Hall

Thursday, November 2nd

- Rotary, 7 a.m., City Hall

Tuesday, November 7th

- City Council, 7 p.m., City Hall
- *Election Day*

Wednesday, November 8th

- Kiwanis, 6:45 a.m., City Hall
- Senior Lunch, 10 a.m. - 2 p.m., City Hall
- Planning Commission, 4 p.m., City Hall

Thursday, November 9th

- Rotary, 7 a.m., City Hall

Friday, November 10th

- *Veteran's Day*
- *City Hall Closed*

Monday, November 13th

- Central Valley School Board, 6:30 p.m., 19307 E. Cataldo

Wednesday, November 15th

- Kiwanis, 6:45 a.m., City Hall
- Senior Lunch, 10 a.m. - 2 p.m., City Hall

- Sewer / Water Board, 7 p.m., Denny Ashlock Building
- Meadowwood Homeowner's Assoc. Meeting, 7 p.m., City Hall

Thursday, November 16th

- Rotary, 7 a.m., City Hall

Tuesday, November 21st

- City Council, 7 p.m., City Hall

Wednesday, November 22nd

- Kiwanis, 6:45 a.m., City Hall
- Senior Lunch, 10 a.m. - 2 p.m., City Hall

Thursday, November 23rd

- *Happy Thanksgiving !!*
- *City Hall Closed*

Friday, November 24th

- *City Hall Closed*

Monday, November 27th

- Central Valley School Board, 6:30 p.m., 19307 E. Cataldo

Wednesday, November 29th

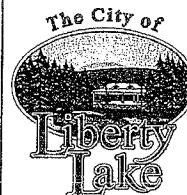
- Kiwanis, 6:45 a.m., City Hall
- Senior Lunch, 10 a.m. - 2 p.m., City Hall

Thursday, November 30th

- Rotary, 7 a.m., City Hall
- *City Christmas Tree Lighting Ceremony, 6 p.m., City Hall*



Contact the City



22710 E. Country Vista Blvd.
Liberty Lake, WA 99019

Phone: (509) 755-6700

Fax: (509) 755-6713

www.libertylakewa.gov

City Hall Hours of Operation:
Mon. thru Fri. - 8:00 a.m. to 5:00 p.m.

- Mayor Steve Peterson 755-6701
- City Administration 755-6700
- Planning & Community Development 755-6707
- Liberty Lake Police Department
 - Emergency 911
 - On-Duty Officer Cell 218-4899
 - Chief Brian Asmus 755-1141
 - Police Fax 755-1144
 - S.C.O.P.E 755-1143
- Liberty Lake Municipal Library 232-2510
- Trailhead Golf Course 928-3484

For more contact information and e-mail addresses, visit our website at
www.libertylakewa.gov

Exhibit E**Steve Shirley**

From: Richard, Mark J. [MRichard@spokanecounty.org]
Sent: Sunday, November 19, 2006 2:45 PM
To: spiritdoc@ccser.com
Subject: FW: Questions on Population Allocation

Steve, thank you for the questions and our ongoing dialogue. Please excuse any typo's but I will give you my responses to your questions the best I know how- straight forward and to the point.
Mark

From: Steve Shirley [mailto:spiritdoc@ccser.com]
Sent: Sun 11/19/2006 1:36 PM
To: Richard, Mark J.
Subject: Questions on Population Allocation

Mark Richard
Spokane County Commissioner

These are the questions which we discussed during our 11/17/06 phone conference. I appreciate your time in providing me with a written response to them prior to Thanksgiving as the Planning Commission's public hearing is Monday, November 27th.

Questions on Population Allocation

1. The City of Liberty Lake has a population allocation of 22,511 (6550 more than the last allocation), which was adopted by the County Commissioners (5-23-06) as part of the 5 year Comprehensive Plan Update. It's my understanding that these are for "initial planning purposes only." Could you please elaborate on what "initial planning purposes" means?

Actually, Liberty lakes numbers may not be preliminary but the numbers we chose for the entire Growth population allocation forecast were. It was that number that all of the jurisdictions was asked to work within but we continually reference that this number is preliminary. If the demands of all the jurisdictions including ourselves do not add up to the higher forecast number, we will adjust them down. During the initial comprehensive plan stage 5-8 years ago, Spokane County set the allocation and then the actual number for each jurisdiction to plan for. We wanted to take a more inclusive approach, allowing each city to tell us what they thought they would need to plan for in terms of population growth and then show how they would do so with capital facilities. Unfortunately, some cities have seen this approach as forcing them to take a bigger number to plan for but we continually elaborate that that is not our intent. Furthermore, if all or some of us cannot show how we can accomodate that growth in a 20 span then we will need to "fix" that to come into compliance with GMA. But, as I said, the answer is not to simply not plan or accomodate growth either because the GMA clearly says we have to "adequetly plan for growth" and not just the growth we want, so that is an issue as well.

2. As part of this process, the County asked the individual jurisdictions (in this case, the City of Liberty Lake) to submit their requests for their population allocation. As you put it, each jurisdiction got to choose how big a "piece of the pie" it would receive in terms of population allocation within the county for projected 20 years of growth.

12/2/2006

601256

- a. Was the City of Liberty Lake given a range of numbers it could choose from?
- b. If so, what were those ranges?
- c. If not, did the city then specify the 6550 increased number themselves?

Neither The city of liberty lake, nor any city, was given a range. They specified that number themselves. They may have consulted with our planning staff, but I am not aware of us giving anyone a number at all.

3. Did the county at any time in this process "force" the City of Liberty Lake to accept these population allocation numbers? Or did the City of Liberty Lake choose to go with a high population allocation number (in other words, ask for a big piece of pie)? \

All cities are picking thier own numbers and we did not nor will we force them to pick a number or a range initially. the GMA steering committee and ultimately the Board of County Commissioners must make sure jurisdictions have done thier work and that thier numbers are realistic and they can provide for the growth in thier capital facilities plans, but that has yet to come.

4. Are these initial population allocations now fixed in stone? Isn't it true that if the city cannot accommodate their initial allocation (lack of infrastructure, services, etc.) they can ask the Steering Committee to change or modify this allocation?

No numbers are fixed in stone. Again, by law if they cannot accomodate the numbers they will need to find a way to accomodate them. If history and logical planning indicates they will never see that kind of growth, then they will likely be asked to revise those numbers but one of the challenges you all will have is that your growth is pretty strong and the law does not allow you to say you simply don't want any more. Yes, they could come back to the steering committee and request an adjustment.

5. Is it true that the city can potentially accommodate its population allocation by modifying its existing land use density within its current UGA?

That I am not sure of because I have not seen their work so far. that would assume they have greater capacity for infill or higher density inside existing UGA boundaries and I am not qualified to answer that or to judge whether the public will or infrastructure in place would accept that as doable.

6. Were the population allocation numbers of a 6550 increase assigned to the City of Liberty Lake or were they provided for this geographical area within the county? In other words, is the county saying this area near Liberty Lake should accommodate 6550 more people regardless of the plans of the City of Liberty Lake?

Neither and no. These are the numbers your city is estimating will be needed to adequately plan for the growth that will occure there. they were not given specific or geographic numbers. Now, If they came to us with a ridiculously high or low number I would expect we would ask them to go back and double check thier work but if they are in the range of reasonableness (past growth patterns and future projections) then I would expect out of respect we will grant them some flexibility so long as it is defensible before the Hearings Board and Superior Court.

7. Is the County of Spokane planning on expanding its UGA into Liberty Lake's proposed expanded UGA areas if the City of Liberty Lake chooses not to do so? In other words, is it the county's intention to change the land use designation (by moving the UGA) in either the Southwest or Northwest UGA expansion areas?

No. We are planning to provide a defensible plan to accomodate predictable growth (and maybe for more growth than some would like us to plan for so that we don't end up with the messes we currently have and so that if possible we can expand the boundaries so as not to force the kind of densities in your neighborhood or others that people are so upset about) but we have no plans to expand the UGA in your area as the County. Please visit our website at www.spokanecounty.org/planning I believe, and see those areas we are considering for expansion of the County's UGA. All of those are based upon our preliminary screening criteria in the resolution we passed that you have a copy of. In addition, they are all areas where we have recieved requests for inclusion.

As a side note if I may:

In my mind the big misnomer by many is that the Board of County Commissioner's desire to begin with a preliminarily larger forecast number for the entire region and to consider expanding the County's UGA (separate from your issues) will somehow bring unwanted growth or create urban sprawl or higher density. Our goal is simply to plan for the worst case scenario of maximum growth so we can avoid the underplanning that has occured in areas all around us and to do so in a way that balances peoples' concerns. Planning will not create growth. That is not to say that good planning won't be more attractive and more desirable, but planning in itself does not a population create!

By leaving the boundaries as they are, we will be forced to accomodate whatever growth does occure in the existing areas; meaning much higher densities for existing neighborhoods-something Commissioner Candidates do not tell you and something citizens scream that they do not want. So while you are fighting to keep growth away from you, residents inside the UGA are fighting to keep growth away or less intense, leading to my axum (people do not like density and they do not like sprawl).

We as electeds are forced to operate within these two competing missions and I can tell you we always lose; the best we can do is find a middle ground where all growth is planned well, paid for by developers and not too dense or too spread out so that we all can live with it. I cannot speak for the city but I can tell you that is what I am all about. You and I may disagree on this, and that is fine but I will always tell you where I am coming from, what I am up against and what the rules are so that we are both afforded the same process and an equal opportunity to understand each other. That is what I have come to appreciate in you as well.

Thank you for your questions Steve. Please do not hesitate to get back to me if you have more.

Sincerely,

Mark Richard

11/18/06

Thank you for your time and service.

Steve Shirley

CAUSE (Community Addressing Urban Sprawl Excess)

--
No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.5.430 / Virus Database: 268.14.7/538 - Release Date: 11/18/2006 4:48 PM

--
No virus found in this incoming message.

Checked by AVG Free Edition.

12/2/2006

10-1-06

Exhibit F

-----Original Message-----

From: Pederson, John [mailto:JPederson@spokanecounty.org]

Sent: Monday, November 20, 2006 1:23 PM

To: Steve Shirley

Subject: RE: Population allocation

Mr. Shirely,

Your conclusions are correct. The population allocations, for "initial planning purposes" were orally adopted by the Board of County Commissioners on May 23, 2006. The documentation of this process and how the numbers were derived is available on our website via the minutes of the Steering Committee of Elected Officials. The Office of Financial Management (OFM) provides a range of population projections and the allocation adopted must be within the range provided by OFM. Each jurisdiction was asked, on numerous occasions, to specify their requested allocation and to confirm said allocations. Each jurisdiction must demonstrate that they can provide adequate public services to accommodate their assigned population allocation. If a jurisdiction cannot accommodate their allocation, the initial number can be reduced, levels of service can be modified, and land use designations can be amended. This coordinated process would involve both the Steering Committee of Elected Officials and the Board of County Commissioners.

If you have any questions or need more information please let me know.

thank you,

John Pederson

-----Original Message-----

From: Steve Shirley [mailto:spiritdoc@ccser.com]

Sent: Wednesday, November 15, 2006 5:51 AM

To:

Cc: Kathi Shirley (kshirley@ccser.com)

Subject: Population allocation

Dear John,

Thanks for answering the questions that my wife had on population allocation. I was wondering where would I find the initial population allocation range that was provided by the county for Liberty Lake? It sounds as if the state provides the county with a population allocation and then the county chooses whether to go with a high/medium/ or low range of population allocation. Then, it is my understanding, that the county works with each jurisdiction to determine the population allocation for each region within the county, which in this case is Liberty Lake. Thus I am curious what the initial population allocation for Liberty Lake was and was this proposed by the county or the city? When was this done? In discussions I have had with Mark Richard and Steve Davenport, both have said that the City "gave us the numbers" (Mr. Richard) and "submitted a high allocation number" (Mr. Davenport). I am still a bit confused on where the initial numbers for allocation come from. Or did the county give the city a range of numbers and they chose the high end of the range?

It sounds by your response that this number is just a starting point in a dialogue between the County and the City of Liberty Lake and that the City has considerable input on whether they will accept this number based on their ability to handle the projected growth. Thus, if a city cannot accommodate the new population allocation it can reduce the number. This should then be done before the steering committee. Is this all correct?

Thank you so much for your time,

Steve Shirley

0001F3

Exhibit G

The Splash...
100% LIBERTY

December 8, 2006

Letters

Survey

Archives

Advertise

Classifieds

Contact

About

Directory

Home

Liberty Lake News

City of Liberty Lake population to reach 15,000-plus in next 20 years
8/24/2006

By Evan Jensen
Splash Editor

When Hurricane Katrina pounded the Gulf Coast last August, causing an estimated \$81.2 billion in damage and displacing thousands of residents, Martha Osborne and her family felt the effects of one of the costliest and deadliest hurricanes in U.S. History. Living near New Orleans, La., for the past year and struggling with the aftermath of destruction, the Osborne family of seven is now planning to move to Liberty Lake.

Today an estimated 6,500 residents live in the City of Liberty Lake and an additional 2,500 residents live south of Sprague Avenue in Spokane County, City of Liberty Lake Director of Planning and Community Development Doug Smith said. Since incorporation five years ago, the city's population jumped 1,790 residents to its current population of 6,500 with more move-ins driven to the community by three major housing developments currently under construction. Within the next 20 years, the population in the City of Liberty Lake is expected to reach 15,861, Smith said.

"The city has seen rapid growth in the last five years and that has occurred naturally with the amount of available land out there," Spokane County Senior GIS Planner Bruce Hunt said. "I think we're starting to see that level off as development starts to fill in the remaining parcels of land, but we could see additional growth if the Urban Growth Area is expanded and the city is able to annex additional property."

Last year, the Boundary Review Board approved an annexation area of 644 acres on the north side of Interstate 90 that includes a mobile home park and a River District (formerly River Crossing) development and additional vacant property with potential for residential and commercial development. Longtime Spokane residents looking for a newer home are eyeing the developments as well as out-of-towners looking to relocate.

When the Osborne family started looking for a place to live near other family members about 60 miles northwest of here, Liberty Lake landed on their radar. For the 4,000-plus people who have moved to Liberty Lake in the last five years, some like the Osbornes relocate to be closer to family. Others take on jobs in Spokane and Coeur d'Alene and move to the community or relocate to live and work in Liberty Lake.

"We are considering moving to the area because we have family in Valley, Washington," Osborne said. "We chose Liberty Lake over northern California, the Seattle area and other possibilities due to the family atmosphere. With five children, we hoped to find a community that is low-crime, suburban, has four seasons, good opportunities for our kids and will offer us the opportunity to retire in a safe community."

According to documents prepared for the City Council mid-summer retreat held July 11, the City of Liberty Lake currently includes 2,631 residential housing units. Within the next 10 years, another 991 homes will be completed by Greenstone Corp., in the River District and Rocky Hill developments. On the west side of Liberty Lake, 524 homes are planned for Legacy Ridge by Black Rock Development and an expansion for Legacy Ridge is currently being considered. Earlier this month, developers proposed the Liberty Village development on the eastern boundary of the city along Appleway Avenue that could bring another 2,000 residents to the community.

"We've grown at a rate of six to seven percent since incorporation and project the same growth rate for the next few years," Smith said. "Some of our developers have scaled back a bit, but we're still anticipating the same growth rate. There's no question this community will continue to grow."

At Big Trout Lodge Apartments, located across the street from Liberty Lake City Hall along Country Vista Drive, manager Lisa Newsom and her staff field an estimated 5,000 calls a week from potential tenants. The 521-unit complex has a 96 percent occupancy rate and the seven-member staff scrambles to show the remaining apartments to hundreds of visitors each week.

"Our occupancy rate is really good for a property this size," Newsom said. "We handle a lot of phone calls and foot traffic. A lot of our tenants are transplants new to the area and a lot of people utilize us while they are having a home built in the area."

At the Country Vista Apartments, which opened last summer along Country Vista Drive near Home Depot, only 39 units are still available at the 192-unit complex, Country Vista Apartment Manager Tanya Taylor said. Taylor expects to lease all 192 units by December and like Big Trout Lodge shows a crowd of potential tenants the available apartments each week.

"People are attracted to Liberty Lake because of it's location," Taylor said. "It's in between Spokane and Coeur d'Alene and we have people living here who work in both locations. This is a beautiful, upscale community and people are coming here because they want to live in Liberty Lake."

With an additional 1,515 homes planned for Liberty Lake in the next 10 years and additional residential and commercial development expected, more people will continue to call Liberty Lake home and push the city's population to 15,000-plus in the next 20 years. Smith said the city has the necessary measures in place to keep pace with development and maintain the levels of service residents have come to enjoy.

For Osborne and thousands of others who have moved to Liberty Lake in the last five years, a well-planned community was just what they were looking for.

"We are actually downsizing to come to Liberty Lake," Osborne said. "The cost of living where we are now is much lower, but the trade-off is worth it. We spent several days, at different hours driving through the neighborhoods. Weekends,

weekdays, it was all the same. People care about the neighborhood. After a year's search, we feel that we have found our home... [Our kids] say Liberty Lake is wonderful because of the park, bike paths, lots of kids and movies in the park."



Copyright © The Liberty Lake Splash
Website by The Liberty Lake Splash & [Spokane Web Communications](#)

Response to Steve Shirley:

- 1) The DEIS prepared by the City of Liberty Lake for the UGA Boundary Alternatives meets all requirements for state law and sufficiently addresses items for this Non-project Action. Further environmental review will be conducted if and when project applications are received.

There is nothing in state law that prohibits beginning the EIS preparation process prior to the scoping period ending (WAC 197-11-408). As scoping comments were submitted, they were reviewed to ensure that any pertinent information was included in the DEIS.

- 2) The City of Liberty Lake notified all affected agencies, jurisdictions, and those parties of record who had expressed interest to the best of our knowledge, with the exception of Fire District #8. Fire District #8 was sent notification during the comment period on November 28, 2006.
- 3) The DEIS does not attempt to, nor is it required to, put forward every possible impact or mitigation measure, nor does it guarantee that the mitigation measures that are presented will be implemented. Detailed analysis of impacts and implementation of mitigation measures will take place upon application of specific projects so appropriate actions can be taken at that time.

The DEIS broadly examines the impacts of a range of strategies for accommodating projected growth. WAC 197-11-442 states that non-project DEISs "shall be limited to a general discussion of impacts...and implementation measures. The lead agency is not required under SEPA to examine all conceivable policies, designations, or implementation measures but should cover a range of such topics".

- 4) No e-mail link to a GAP analysis study was received on referenced e-mail. Mrs. Wren-Wilson contacted Spokane County directly and spoke with Bruce Hunt regarding GAP Studies as referenced in the DEIS.

Section 2.4 Water Resources. Make the following correction on page 2-24 of the DEIS, Land Use: Replace "There are no priority habitats or species in the planning area" with "The stretch of the Spokane River in the NW planning area has been designated Urban Natural Open Space. Urban Natural Open Space is defined as "A priority species resides within or is adjacent to the open space and uses it for breeding and/or regular feeding; and/or the open space functions as a corridor connecting other *priority habitats*, especially those that would otherwise be isolated; and/or the open space is an isolated remnant of natural habitat larger than 4 ha (10 acres) and is surrounded by urban development. Local considerations may be given to open space areas smaller than 4 ha (10 acres)." (Definition provided on <http://wdfw.wa.gov/hab/phshabs.htm>)".

Section 2.5.1.1.6. Riparian Areas. Add to text: "The stretch of the Spokane River in the NW planning area has been designated Urban Natural Open Space. Urban Natural Open Space is defined as "A priority species resides within or is adjacent to the open space and uses it for breeding and/or regular feeding; and/or the open space functions as a corridor connecting other *priority habitats*, especially those that would otherwise be isolated; and/or the open space is an isolated remnant of natural habitat larger than 4 ha (10 acres) and is surrounded by urban development. Local considerations may be given to open space areas smaller than 4 ha (10 acres)." (Definition provided on <http://wdfw.wa.gov/hab/phshabs.htm>)".

Section 2.5.1.3.1. Priority Habitats. Make the following correction on page 2-36 of the DEIS: Replace "There are no priority habitats or species in the NW planning area" with "The stretch of the Spokane River in the NW planning area has been designated Urban Natural Open Space. Urban Natural Open Space is defined as "A priority species resides within or is adjacent to the open space and uses it for

breeding and/or regular feeding; and/or the open space functions as a corridor connecting other *priority habitats*, especially those that would otherwise be isolated; and/or the open space is an isolated remnant of natural habitat larger than 4 ha (10 acres) and is surrounded by urban development. Local considerations may be given to open space areas smaller than 4 ha (10 acres).”(Definition provided on <http://wdfw.wa.gov/hab/phshabs.htm>)”.

The DEIS identified two areas of priority habitat in the SW planning area; Waterfowl and Wetland Habitat.

- 5) The City of Liberty Lake has met all SEPA notice and commenting periods required by state law as adopted in the City of Liberty Lake Development Code, Chapter 6 Environment, section 6A-11, pages 6-21 through 6-22.
 - a) The GMA Public Participation Program Handbook states that “Proposals or alternatives should be available at least 5 days prior to a public hearing or 1 day prior to a public workshop or meeting scheduled for their discussion or a decision.” The City makes every effort to meet these goals. The DEIS was available in written form at the 11/8/06 meeting, and those who requested to view it did so. Hard copies were available to the public for the cost of reproduction and would have been provided as outlined in the handout at the 11/8/06 meeting.
 - b) Not a comment on the adequacy of the DEIS.
 - c) To the City’s knowledge the DEIS was available in it’s entirety on the website. Any technical problems with links were corrected as the City became aware of them.
 - d) The City newsletter distributed 12/1/06 has an article on Page 1 regarding the UGA issues.
 - e) The City of Liberty Lake has met all SEPA notice and commenting periods required by state law as adopted in the City of Liberty Lake Development Code, Chapter 6 Environment, section 6A-11, pages 6-21 through 6-22.
- 6) Not a comment on the adequacy of the DEIS, but rather an expression of concern for various issues and a preference for a particular planning outcome.
- 7) The State Office of Financial Management, Spokane Regional Transportation Council, Spokane County, and the City of Liberty Lake conducted independent population-forecasting studies. As a result of these studies, Liberty Lake requested a population allocation in the midrange of the projected growth for Liberty Lake (from a total of 197,939 projected population growth for all of Spokane County). The future population estimates represent an increase of 15,586 additional people living in Liberty Lake in the next 20 years, for a total population of about 22,511.
- 8) WAC 197-11-450 states that “A cost-benefit analysis (WAC 197-11-726) is not required by SEPA. If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered by an agency for the proposal, it may be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences. For purposes of complying with SEPA, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations.” Areas identified as Liberty Lake Joint Planning areas will be included in Liberty Lake’s Capital Facility Plan prior to adoption of joint planning agreements.
- 9) There is no clear conflict of interest brought about by the fact that the SEPA responsible official owns land in some of the proposed alternatives. If land ownership is the sole factor in constituting a conflict of interest, then every comment received from a landowner in any of the UGA alternatives would have to be dismissed for the same reason. The comment writer presumes to know what Mr. Smith’s plans for his property are. In addition, Mr. Smith’s land is zoned rural conservation, and as with all lands zoned rural conservation, has never been eligible for inclusion in the UGA.